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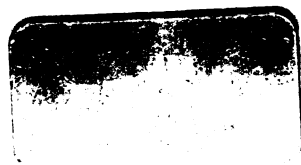
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**JOURNAL**  
OF THE  
**PROCEEDINGS**  
OF THE  
**LEGISLATIVE COUNCIL,**  
OF THE  
**STATE OF NEW-JERSEY, — *Legislature.***  
CONVENED  
**AT TRENTON,**

ON THE TWENTY-SECOND DAY OF OCTOBER, A. D. ONE THOUSAND EIGHT  
HUNDRED AND THIRTY-NINE, AND OF THE INDEPENDENCE OF  
THE UNITED STATES THE SIXTY-FOURTH.

BEING THE FIRST SITTING OF THE SIXTY-FOURTH SESSION.

1839-40



*2d Sitting see p. 97.*

C SOMERVILLE, N. J.

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1840.

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# LIST OF MEMBERS

## OF THE

### LEGISLATIVE COUNCIL.

---

Atlantic,	The Honorable	JAPHET IRELAND.
Bergen,	-	FRANCIS PRICE.
Burlington,	-	WILLIAM IRICK.
Cape May,	-	AMOS CORSON.
Cumberland,	-	SAMUEL BARBER.
Essex,	-	AMZI ARMSTRONG.
Gloucester,	-	JOSEPH PORTER.
Hunterdon,	-	JAMES SNYDER.
Mercer,	-	CHARLES G. McCHESNEY.
Middlesex,	-	DAVID B. APPLEGET.
Monmouth,	-	BENJAMIN OLIPHANT.
Morris,	-	JACOB W. MILLER.
Passaic,	-	NATHANIEL BOARD.
Salem,	-	JOHN H. LAMBERT.
Somerset,	-	AUGUSTUS R. TAYLOR.
Sussex,	-	DANIEL HAINES.
Warren,	-	ROBERT H. KENNEDY.





# LIST OF MEMBERS

## OF THE

### GENERAL ASSEMBLY.



- Atlantic*.—Robert B. Risley.
- Bergen*.—John G. Ackerson, Albert G. Doremus, Albert J. Terhune.
- Burlington*.—John Emley, Bowes Reed Brown, Levi Borton, William Black, Elihu Mathis.
- Cape May*.—Thomas P. Hughes.
- Cumberland*.—Belford M. Bonham, Ephraim H. Whitecar, Isaac Newcomb.
- Essex*.—William Stites, (Spr.) Edward Sanderson, James H. Robinson, Samuel H. Gardner, Abraham V. Spear.
- Gloucester*.—Elijah Bower, Charles Reeves, Joseph Franklin, Richard W. Snowden.
- Hunterdon*.—Philip Hiler, Garret Servis, Joseph Exton.
- Mercer*.—Josiah S. Worth, William Rosco.
- Middlesex*.—Lewis Golding, Cornelius C. Cruser, David Dunn, Frederick Richmond.
- Monmouth*.—Thomas E. Combs, William P. Forman, Garret Hiers, James Craig.
- Morris*.—Abraham Brittin, Ebenezer F. Smith, Jacob Weise, Paul B. DeBow.
- Passaic*.—Elisha B. Clark, John F. Ryerson.
- Salem*.—David Hurley, John Summerill, Jr., Moses Richman, Jr.
- Somerset*.—Henry H. Wilson, Arthur V. P. Sutphen, Daniel Cory.
- Sussex*.—Joseph Greer, Samuel Truex, William H. Nyce.
- Warren*.—Samuel Shoemaker, George W. Smith, John Moore.



**JOURNAL OF THE PROCEEDINGS**  
**OF THE**  
**LEGISLATIVE COUNCIL,**  
**OF THE**  
**STATE OF NEW-JERSEY.**

TRENTON, *Tuesday, October 22d, 1839.*

This being the time and place for the annual meeting of the Legislature, the following members elect of the Legislative Council appeared, viz.

<b>The Hon. Francis Price,</b>	for the County of Bergen,
“ Nathaniel Board,	“ Passaic,
“ Amzi Armstrong,	“ Essex,
“ Jacob W. Miller,	“ Morris,
“ Daniel Haines,	“ Sussex,
“ James Snyder,	“ Hunterdon,
“ Augustus R. Taylor,	“ Somerset,
“ David B. Appleget,	“ Middlesex,
“ Charles G. McChesney,	“ Mercer,
“ Benjamin Oliphant,	“ Monmouth,
“ William Irick,	“ Burlington,
“ Joseph Porter,	“ Gloucester,
“ Japhet Ireland,	“ Atlantic,
“ John H. Lambert,	“ Salem,
“ Samuel Barber,	“ Cumberland,
“ Amos Corson,	“ Cape May.

Joseph Porter, Esq. of the county of Gloucester, produced a certificate of election, as a member of the Legislative Council for the county of Gloucester.

Which certificate was read and approved.

Whereupon he took and subscribed the oaths prescribed by the Constitution and Laws, before William Irick, Esq. one of the members of Council elect, and took his seat in Council.

Francis Price, Amzi Armstrong, Nathaniel Board, Jacob W. Miller, Daniel Haines, James Snyder, Augustus R. Taylor, David B. Appleget, Charles G. McChesney, William Irick,

John H. Lambert, Samuel Barber, and Amos Corson, Esqrs., severally produced certificates of being elected members of the Legislative Council from their respective counties,

Which were read and approved.

Whereupon, they severally took and subscribed the oaths prescribed by the Constitution and Laws, before Joseph Porter, Esq., and took their seats in Council.

Benjamin Oliphant, and Japhet Ireland, Esquires, severally produced certificates of being elected members of the Legislative Council from their respective counties,

Which were read and approved.

Whereupon they took and subscribed the affirmations prescribed by the Constitution and Laws, before Joseph Porter, Esquire, and took their seats in Council.

The members of Council present, being all sworn or affirmed, proceeded to elect a Vice-President: Charles G. McChesney, and John H. Lambert, Esquires, were appointed tellers—

On counting the ballots, it appeared that Joseph Porter had nine votes, and Francis Price six votes.

Whereupon JOSEPH PORTER, Esq. was declared duly elected Vice-President of Council, and having taken the oaths prescribed by law, was seated in the Chair.

The Vice-President previous to taking his seat, addressed Council as follows :

*Gentlemen of the Legislative Council :*

For the honor conferred on me by selecting me to preside over your deliberations, be pleased to accept my most hearty thanks.

I accept the station assigned, with great distrust of my ability to perform the various duties devolving on the Chair in a legislative body, and feel that I shall stand in need of a large share of your indulgence. All I can promise you is a faithful, honest, and impartial discharge of my duty to the best of my abilities.

Council then proceeded to elect a Secretary by ballot—Mr. McChesney and Mr. Lambert acting as tellers.

On counting the ballots, it appeared that Robert E. Hornor was unanimously elected.

Whereupon ROBERT E. HORNOR was declared duly elected Secretary, and having taken the affirmation prescribed by law, took his seat at the table.

HALSEY CANFIELD was appointed Sergeant-at-Arms and Door-Keeper.

*Ordered*, That the Secretary inform the House of Assembly that Council have this day met—have formed a quorum—have elected the Hon. Joseph Porter Vice-President and Robert E. Hornor Secretary, and have proceeded to business.

A message from the House of Assembly, by Mr. Coppuck, their Clerk, informed Council

That the House of Assembly had met, formed a quorum, appointed the Hon. William Stites, of Essex, Speaker, and Peter V. Coppuck, Clerk, and proceeded to business.

*Ordered*, That Messrs. Armstrong and Lambert be a committee to prepare Rules and Regulations for the government of Council, and that the Rules of the last Council be adopted and continued until others be reported and agreed to.

*Ordered*, That when Council adjourn, it adjourn to ten o'clock to-morrow morning, and that hereafter Council will meet at that hour until otherwise ordered.

Council adjourned to ten o'clock to-morrow morning.

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WEDNESDAY, October 23, 1839.

*At ten o'clock Council met.*

Mr. Price presented a memorial from Peter Bartholomy and Jacob C. Dey, of the city of New-York, praying for an act of incorporation to aid them in relation to the manufacture of Urate and Prudrette, Prussian Blue, Salt of Ammonia, Green Soap, Animal Black, Nitrate of Potash, &c.

Which was read, and

Referred to Messrs. Price, Irick and Appleget.

Mr. Irick offered the following resolution, viz.

*Resolved*, That the sum of two dollars be appropriated to each member of Council and the Secretary, for such newspaper or newspapers as he shall order during the session of the present Legislature, and that all postage of letters upon public business be paid for each member of Council and Secretary.

Which was read, and agreed to.

Mr. Armstrong, from the committee on rules and regulations, reported the following, viz.

## **RULES OF COUNCIL.**

### **RULE I.**

The President for the time being shall not engage in any public debate without leave of the house, except so far as shall be necessary for regulating the form of proceeding; but shall on all occasions support the strictest order, agreeably to the rules here laid down.

### **RULE II.**

No member shall interrupt the business of the house by entering into private conversation during a debate, or whilst any business is before the house that requires the general attention.

### **RULE III.**

Every member who rises to speak shall address himself to the chair; and when any two members shall rise at the same time, the President shall determine which shall speak first.

### **RULE IV.**

No member shall speak in any debate without rising, nor more than three times on any one subject of debate, unless he first obtain the leave of the house.

### **RULE V.**

The members, during a debate, shall all keep their seats, except the member who rises to speak.

### **RULE VI.**

That the consent of a majority of the members present shall be necessary to engross or re-engross any bill. That on the final passing of any bill, the following question shall be taken: *Shall this bill* (as engrossed or re-engrossed, as the case may be,) *pass?* and if a majority of the whole Council vote in the affirmative, it shall be considered as having passed, and signed accordingly.

### **RULE VII.**

That on every question for the final passing of a bill, unless the same shall pass by the unanimous vote of all the members of Council, the names of all the members present, with the yeas and nays on such question, shall be entered on the journals of this house, and the like entry shall be made on every other question, if the same shall be moved for by any one member previous to the call of the house.

**RULE VIII.**

That all committees shall be appointed by the president, or, in his absence, by the vice-president.

**RULE IX.**

The following standing committees shall be appointed at the commencement of each session, until otherwise ordered :

- A Committee on the Judiciary.
- A Committee on Agriculture.
- A Committee on Education.
- A Committee on the Militia.
- A Committee on Claims and Revolutionary Pensions.
- A Committee on Corporations.
- A Committee on Unfinished Business.

Which several committees shall consist of three members each.

The following committees, of two members each, shall be also appointed to act jointly with corresponding committees to be appointed by the House of Assembly :

- A Committee on the Treasurer's Account.
- A Committee on the State Prison.
- A Committee on Public Printing.

**RULE X.**

That all motions entered on the journals of this house shall be entered in the names of those who make them, provided the same shall be required by any one member.

**RULE XI.**

That in all debates and proceedings the members shall keep themselves within the strictest rules of decency and decorum.

**RULE XII.**

That when an amendment, made in this house, to a bill from the House of Assembly, is disagreed to by that house, and not adhered to in this, the bill shall be considered as standing on a third reading.

**RULE XIII.**

That no bill shall be committed or amended until it shall have been ordered a second reading, except private bills, as provided for in the twenty-fifth rule, after which it may be referred to a committee; and when reported, with or without amendments, (which amendments shall always be on a separate paper) the bill shall be considered as on a second reading; but when the committee think the bill cannot be made good by amendment, they shall not reject it, but report the bill back to the house, without amendment, and there make their opposition.



**RULE XIV.**

That no private bill be read a second time, unless a printed copy thereof be in possession of Council.

**RULE XV.**

That no bill shall be read more than once on the same day. No standing rule or order of Council shall be dispensed with, unless by the assent of two-thirds of the members present; nor rescinded or amended without one day's notice being given of the motion therefor.

**RULE XVI.**

No motion shall be debated until the same shall be seconded; and it shall be reduced to writing, if the presiding officer or any member desire it.

**RULE XVII.**

That when a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a time certain, or for the present, to commit or amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they are here arranged.

**RULE XVIII.**

A motion to adjourn shall be always in order, except when a vote is taking, and shall be decided without debate.

**RULE XIX.**

The previous question shall be in this form : *Shall the main question be now put?* and it shall only be admitted when demanded by two-thirds of the members of Council present, and shall be decided without debate.

**RULE XX.**

That no motion for the reconsideration of any vote shall be in order after a bill, resolution, report, or other subject upon which the vote was taken shall have gone out of the possession of the Council, by a message to the house, announcing their decision; and no motion for reconsideration shall be in order, unless made on the same day the vote was taken or upon the next day of actual session of the Council, and moved by a member who voted in the numerical majority.

**RULE XXI.**

Every joint resolution, order, or vote from the house, to which the concurrence of Council is necessary, shall lie on the table one day before it is finally acted upon by Council.

**RULE XXII.**

The first business of each day shall be to read over the journal of the preceding day ; then petitions, memorials, remonstrances, letters or other documents necessary or proper to be laid before Council ; after which the reports of such committees as shall be ready to report the business to them committed shall be received.

**RULE XXIII.**

All bills may be made the order of a particular day, and public bills, when called for, shall have the preference of private bills, which (whenever two or more private bills shall be called for by members) shall be taken up according to their seniority, reckoning from the date of their introduction into Council.

**RULE XXIV.**

That all bills and special reports of committees be numbered by the secretary as they are severally introduced, and a list made of the same, to lie on the table and to be called up for consideration by the presiding officer according to their numerical order ; subject nevertheless to postponement on special motion for the purpose of taking up any bill or report which the house may order to be taken up and considered in preference.

**RULE XXV.**

That no private bill originating in the House of Assembly shall pass to a second reading until the same shall have been committed.

**RULE XXVI.**

That no bill for a divorce shall be taken up on a second reading, unless it shall be made to appear, by oath or affirmation, that the other party is not at the time of presenting the petition a resident in the state of New-Jersey, or, if a resident, that notice has been duly served, on him or her, of the intended application for a divorce.

**RULE XXVII.**

That the President of Council, when present, shall be called by the clerk in all cases when by the constitution he has a casting vote.

**RULE XXVIII.**

No member shall be suffered to have his vote recorded on any question, when the yeas and nays are called, unless he be present to answer to his name ; and no person shall be permitted to change his vote without the unanimous consent of the members present, unless he at that time declares that he voted under a mistake of the question.

**RULE XXIX.**

On filling up blanks, the question shall first be taken on the largest sum, greatest number, and most distant day.

**RULE XXX.**

A majority of members of Council shall constitute a quorum for legislation, and whenever a less number than a quorum of Council shall convene at a regular meeting, and shall adjourn, the names of those present may be entered on the journals.

**RULE XXXI.**

When a less number than a quorum of Council shall convene at any regular meeting, they are hereby authorized to send their sergeant-at-arms, or any other person or persons by them authorized, for any or all absent members.

**RULE XXXII.**

That whenever a memorial is referred to a committee praying for an act of incorporation, agreeably to the provisions of the "Act relative to incorporations," the committee shall not have leave to report by bill, unless the evidence is exhibited to them, and reported to Council, that the intended application has been advertised according to law in such cases.

**RULE XXXIII.**

Whenever a bill or resolution that has passed Council shall be carried to the House of Assembly, all papers and documents relating thereto on the files of Council shall be carried by the secretary, with such bill or resolution, to the House of Assembly.

Which were read and adopted.

*Ordered*, That one hundred copies of the Rules of Council be printed for the use of Council.

A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had adopted the following Resolution, viz.

*Resolved*, (Council concurring,) That a committee of Council and Assembly be appointed to wait upon the Governor and inform him that both Houses have met and organized, and are ready to receive any communication he may be pleased to make, and that the House had appointed Messrs. Brown, Richman, and Clark, on their part.

*Ordered*, That a committee be appointed on the part of Council.

Whereupon the Vice-President appointed Messrs. Irick and Price said committee.

**Ordered,** That the Secretary inform the House of Assembly thereof.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Irick, from the Joint Committee appointed to wait on the Governor, reported that the committee had performed that duty, and that his Excellency informed them that he would make a communication to both Houses this afternoon at three o'clock.

The Vice-President announced the following Joint and Standing Committees as having been by him appointed, viz.

#### JOINT COMMITTEES.

*On the Treasurer's Accounts*—Messrs. Irick and Price.  
*On the State Prison Accounts*—Messrs. Armstrong & Lambert.  
*On Public Printing*—Messrs. Taylor and Ireland.

#### STANDING COMMITTEES.

*On the Judiciary*.—Messrs. Armstrong, Haines, and Taylor.  
*On Agriculture*.—Messrs. Board, Oliphant, and Corson.  
*On Education*.—Messrs. McChesney, Ireland, and Barber.  
*On the Militia*.—Messrs. Irick, Snyder, and Board.  
*On Claims and Pensions*.—Messrs. Taylor, Price & Appleget.  
*On Corporations*.—Messrs. Miller, Lambert and McChesney.  
*On unfinished business*.—Messrs. Appleget, Kennedy, and Barber.

A message from the House of Assembly, by Mr. Coppuck, their Clerk, informed Council

That the following Joint Committees had been appointed on the part of the House of Assembly, viz.

On State Prison—Messrs. Robinson, Rosco, Hiers, Black, and Richman.

**On Public Printing—Messrs. Reeves, Serviss, Whitecan, Sanderson, and Terhune.**

**To settle the Treasurer's Account—Messrs. Sanderson, Brittin, Sutphen, Moore and Craig.**

Also, that the House of Assembly is ready to go into Joint Meeting for the appointment of Governor and such other State and county officers as may be deemed necessary, and request Council to appoint the time and place.

Which message was read, and ordered to lie on the table.

The following Message was received from the Governor, by the hands of James Wilson, Esq. his Private Secretary..

### **GOVERNOR'S MESSAGE.**

*To the Legislative Council*

*and General Assembly of the State of New-Jersey..*

GENTLEMEN:.

Another year has rapidly passed away with its many anxieties and cares. You are again met as the representatives of the people, to transact such business as the necessities of your constituents and the general interests of the State, may require. How much will be demanded at your hands of a private character, is not of course within my knowledge; but I am persuaded that you will find no occasion for the passage of many public acts. There is a common feeling pervading the State that few changes in our system of laws should be made, and those which are made should be of the most pressing necessity. I anticipate, therefore, in your behalf, no very prolonged detention from your ordinary avocations and pursuits.

Whatever differences of opinion may exist among us concerning the various obligations which rest upon us as citizens, I feel well assured that we must all desire to unite in devout acknowledgments to that superintending Providence whose paternal care has so signally blessed us during the past year. At no former period have we as a people shared more largely in his bounties; in the abundant productions of the earth, or in the enjoyment of general health. While we are thus bound together in common benefits, I may surely cherish the hope that we may be duly impressed with a just sense of our common obligations, and that in the exercise of this spirit your impartial and undivided attention will be given to the promotion of the common welfare.

A course of legislation that embraces in its scope all the great interests of society, that encourages schools and fosters improvements, cannot fail to throw around our institutions walls of defence that must ever protect them from domestic dissensions or foreign pressure. The three great branches of industry, Agriculture, Manufactures and Commerce, are at all times especially entitled to the fostering care of government, for their prosperity and advancement include the progress and happiness of society. With us the farming interest must ever be a leading object of concern; and in recurring to the history of the year, I refer with much pleasure to the formation of an Agricultural Society in the centre of the State, under favorable auspices, as an indication of an increasing interest on the subject. This may, and I trust will, be productive of much public advantage. Associations of this description bring together the substantial men of the country, cultivate a friendly interchange of views, promote a wholesome emulation, encourage industry, and recompense useful talent and enterprise, by pecuniary and honorary rewards. With these encouragements, agricultural improvements may be quickened, and husbandry maintain its proper rank among the arts of life. If the aid of the Legislature can in any way promote these great ends, I hope it will be cheerfully granted. A committee on Agriculture has been recently constituted in each house and should be continued.

I could wish it were in my power to speak in the same encouraging tone of our manufacturing and commercial interests. These great branches of industry which embrace a large body of our population, suffer in a peculiar degree from the derangements of the times, and in a special manner need the care and protection of the government. Exposed to great fluctuations, they should be treated kindly, and their interests guarded with a sustaining hand. I feel it to be the special duty of public men every where, to consider seriously the causes of their depression, and to lend all possible aid to the means for their re-establishment. For myself, I despair of any successful enterprise in business until the facilities for carrying it on, can be rendered permanent and uniform, and mutual confidence be restored. Some mode must be devised by which the exchanges of the country can be effected with ease and economy. The government must help, or I see no way in which either commerce or manufactures can ever flourish. In other times the government and the producing classes had a common feeling of dependence on each other, and harmonised in action. It is in fact, the very design of our government to secure and advance the individual prosperity of its citizens. There are,

there can be no separate or independent interests. The whole constitution of society is indeed, but an exemplification of the law of mutual obligation. All branches of industry, and all conditions in life, are more or less dependent upon each other, and hence the embarrassment of one must sooner or later affect every other. The merchant cannot, at this day, sell his goods to a southern or western State, or the manufacturer the labor of his hand without paying as much or more in the difference of exchange, than the whole amount of his profits. To remedy this evil, the value of money must, in some way, be made equal in the different portions of the Union. This was once the case in the United States, and it is in vain that we look for the restoration of business, until our public men, forgetting all minor considerations, shall unite in an earnest effort to bring about this all important, this indispensable result. I am aware that this is a subject beyond your province as a State Legislature. Congress is alone competent to provide a remedy. But it is wise and proper, at all times, to discuss every national interest which deeply affects our prosperity.

During the past year it became my duty to give certificates of election to the members of the twenty-sixth Congress from this State. The contest had been unusually warm. The friends of the respective candidates had made great exertions in their support, and felt a deep interest in their success; and it could not, therefore, be hoped that any decision would be satisfactory to all, or escape the censure of those who should be disappointed by the result. It would have been agreeable to my feelings, could the necessity for action on my part, have been dispensed with altogether. The duty however, was imperative, and there was no choice but to discharge it according to law. The whole subject was laid before all the members of the Legislative Council, summoned as a Privy Council; was discussed at large, and resulted in a recommendation, by a majority of that body, that the certificates must be granted under the then existing laws of the State to the persons to whom they were subsequently given, and the whole merits of the controversy left to the decision of Congress. This result not being satisfactory to those persons who did not receive the certificates, they and their friends have taken such course as they thought proper to do respecting it, and whether that course has been well or ill chosen, all will be permitted to judge according to their habits of thinking and acting. Every review of the opinion expressed at that time, has only confirmed me in the belief that the law was faithfully declared, and beyond that, for myself I feel no concern. In counting the votes, the Governor and Council are ministerial officers, having no judicial power.

The township officers make their returns to the clerks of the different counties, and those officers to the Governor. The clerks base their return exclusively upon the returns made to them by the township election officers. They cannot modify or alter them in any way, and the Governor and Council in this respect, as counting officers of a higher grade, must rest also only on the returns made to them by the clerks, and cannot vary or depart from them. So far as any difficulty is created by the return itself, as by mistakes in addition, mis-spelling the name of a candidate, the omission of a letter, or by any other irregularity appearing on the face of the return, the facts being before the Governor and his Council, may be and should always be counted in such way as to carry out the clear intention of the voter. In the present instance every vote was given to the candidates according to such intent, so far as the same could be ascertained by the returns before us. We refused to go out of the returns made by the clerks, from a conviction that we had no power by law so to do. Such was the advice given me by my constitutional advisers, and in their opinion I did then and do now coincide. Was it ever intended to give to the Governor any power over the returns which the clerks should make? Has he the right to reject any return, or to require or dictate any modification of it? No such power ever was, in my opinion, confided to him, and none such I trust, will ever be placed in the hands of one man. This would be a dangerous delegation of power, and one which I would resist in common with every other citizen of the State. He must count the votes as the returning officer sends them; without exercising any controlling influence. Great importance has been attached to the words in the law which require the Governor and Privy Council to determine the six persons for representatives; "who have the greatest number of votes from the whole State." What votes are here referred to? Clearly those contained in the returns of the clerks. The act itself so declares. What else could govern the counting officer? Is he to be guided by rumor, by the statements of individuals, by certificates of township officers; or must he be governed by the returns made by the officers appointed by law? It seems to me there cannot rest a doubt on the question. The return made by the clerk of Cumberland, was a general one, in strict conformity to the act, giving the aggregate vote for each candidate in the whole county, without specifying the townships, and purported to be a full return of all the votes of the county. Was this return to be rejected, and if so, for what reason? The return of the clerk of Middlesex specified the townships, and as to the township of South Amboy, declared that no return had.



been made to him from that township according to law. Had the Governor and Council a right, in such case, to say to the clerk, your return is false; the township officers at South Amboy have made a return to you according to law? It is idle to talk of any such power; the exercise of it would violate the whole spirit and intention of the act. Is it not perceived that such a construction would make the Governor and Council, who by law are mere counting officers, the arbiters of the whole election, and if they may go this length without the sanction of law, they may, with the same propriety, hold a grand inquest over the whole election and sit in judgment upon the entire canvass. So arbitrary and illegal an act on the part of your executive officers, would receive universal condemnation. It has been further insisted that the Governor was bound by law to send to the clerk of Middlesex for a return of the votes of the township of South Amboy, which by his certificate appeared not to have been made to him according to law. I have searched in vain for any such law. None such exists. The only case provided for by the statute is where the clerk of a county makes no return *at all*. In such case the Governor has authority to send for his return, and only in such case. There were returns made by the clerks from every county before the count was made, and by law we were bound to accept and act upon them. The precedents were found on enquiry to be all in conformity with this view of the case. There is not a single instance where any Governor and Council ever went beyond the clerk's return, or ever acted upon any other evidence than his certificate. On the contrary, there are many cases which sanction the construction which was adopted. Several of the members of Council had been members two years before, when the very same questions arose in a case from Somerset county, and the rule was considered as settled by that case.

You will perceive that I place myself and those gentlemen who acted with me, upon the single ground of having faithfully executed the law. If we live under a government of laws, we must follow them, implicitly, without fear or favor; and all good citizens will sustain their public officers in so doing. If any injustice has been done, the remedy is a plain one. The power is with Congress; they alone have the right to rectify the error if any exists.

So far as the conduct of the clerks of Middlesex and Cumberland is concerned, it does not become me to speak. That they acted as faithful public officers under a solemn sense of obligation, and with a higher regard for the authority of law than the praises or censures of men, I never had a doubt.

It is much to be regretted that this question should have as-

sumed a mere party aspect. From that moment all reason and argument ceased, and were followed only by denunciation and passion. If I could believe that I possessed one secret spring of action that looked like a desire to usurp either the personal or political rights of the humblest citizen of the state, I should hold myself unworthy of further public confidence. No, gentlemen, nothing is farther removed from my wishes or intention, and I feel it right thus publicly to assure you that all the allegations which have been made, of any interference on my part, either direct or indirect, with the clerk of any county, as to the nature or form of the return which he should make, are utterly without foundation.

I am led to this explanation in this place, not so much from a belief that it is at all necessary, as from an habitual respect for the opinion of my fellow citizens. No single subject in New-Jersey was ever made a more direct question before the people, at an election, than this has been. They have rendered their judgment, and while I have reason as a public officer to feel as I do feel, highly gratified at the result, I have no desire to appropriate it to myself as a personal consideration, but shall always regard it as the testimony of a noble and intelligent people, in favor of the laws and their faithful execution. I leave this whole subject with a single remark, which the history of all governments proves to be true, that the rights and liberties of a people will never be in danger from any man, however great his power or exalted his station, who exercises the authority conferred upon him within the prescribed limits of law, and that they are never safe in the hands of any who transcend those limits.

It was naturally to be expected, that amid the conflicts of parties often times nearly balanced, defects would be discovered in the law regulating elections. The laws of this State on that subject, had been passed at different times and were scattered through the statute book, so that it required much investigation to ascertain on any disputed point what the law really was. This rendered it necessary that they should be compiled and brought together in a single view. The principle was conceded by all that the law should be so framed as to enable the counting officers to give certificates in the first instance to those who should have the largest numerical vote, leaving the other party, if so inclined, to urge his claims before the constitutional tribunals. The examination made by the last Legislature in deciding the contested election in the county of Cumberland, had shown great abuses of the elective franchise; so great as to have changed the representation from that county in the Legislature if not corrected; and the public voice in many parts of the State

required of their representatives to provide a remedy for the difficulties and defects which experience had shewn to exist.— These considerations led to the passage of the act at your last session, entitled “an act to regulate elections.” I am not aware that that law makes any material alterations in the principles which have always prevailed in our elections. It does alter the mode of conducting them. The qualifications of the voters are nearly the same, and the requirements, respecting aliens only a declaration of what the law was before. The only legal evidence of naturalization has always been the record or a duly certified copy. Before this act different rules obtained on this subject at different polls. At some the production of a copy of the record was required and at others not. The rule must now be uniform, and I am satisfied that experience will prove it to be right. The law was never intended to interfere with the rights of any legal voter, but only to prevent frauds. The stranger who seeks among us a home, whether from oppression or choice, has a right to full protection the same as a native citizen. His person and his property are as sacred. When naturalized he has the same privileges as a voter, and all have a common interest in preventing this privilege from being exercised by those who owe allegiance to foreign powers. It was to have been expected that there would be individual cases of hardship arising under the law when first carried into effect, which will never occur again, and I cannot but believe, that if correctly administered, it will meet the wishes of the people. You have been able to observe what has been its practical operation in your respective counties, if it be calculated to deprive by any of its features the legal voter of the exercise of his privileges, it should be promptly altered; but the safeguards which it has placed around the ballot-box should be adhered to as the security of the citizen. Unless these are maintained, it is but mockery to continue the forms of an election.

In compliance with the direction contained in the last of a series of resolutions, passed at the last session of the Legislature, in relation to the public lands, I forwarded shortly after their passage copies of the resolutions, together with the report on that subject to each of the Senators and Representatives in Congress, from this State, and to the respective Governors of the several states of the Union. The interest of the old states in this immense inheritance, earned by the valor of our fathers, can never be surrendered without a struggle. It was time for New Jersey to declare her sentiments on the subject; and I have no doubt that the report and resolutions meet the decided approbation of the whole body of our citizens. There certainly can be no sound reason why the new states which have come

into being since these lands were acquired, should have the exclusive benefit of them. They are the common property of the whole, and any act by the Federal Government which should alienate the share of any portion of it would be grossly unjust.

The law of 1838 makes it the duty of the Treasurer of the state, as soon as his accounts shall be audited, to submit to the Legislature a balance sheet, exhibiting the general items of expenditure, the amount of receipts, and the sources whence they have been received. Also the indebtedness of the State if any, and how and where; together with a full statement of the condition of the School Fund. This report will be furnished to you, by which you will have a correct and connected statement of the finances of the State. I do not deem it necessary to anticipate this report, and will only state generally that I am informed by the Treasurer, that when his accounts shall be exhibited, they will show that the receipts into the Treasury, applicable to the current expenses for the year, amount to about the sum of \$80,000; and that the current expenses of the year will fall rather short of that sum.

You will find that no money has been expended except such as was directed by the Legislature. For my own part I observe one rule on this subject, and sign no drafts on the Treasury unless there is a law to authorize it. There will be sometimes claims against the State presented, which are just and reasonable in themselves, but it is safer that they should wait your action before they are paid. We have much reason to felicitate ourselves upon the state of our finances, the economy of our expenses, and freedom from debt, except to a small amount, at a time when so many of our sister states are involved by large foreign obligations, in the embarrassments which prevail throughout the commercial world.

The School Fund after deducting \$30,000, the present yearly appropriation amounts at this time to about \$285,000.

There are in the institutions in the cities of New York and Philadelphia, for the instruction of the deaf and dumb, eighteen children supported at the expense of the State, and ten at the institutions for educating the blind. The term allowed for the instruction of these children having in several instances run out during the year, others have been substituted in their place. The selection has always been made in the order of the applications.

The report of the Quarter Master General herewith enclosed, will shew the number and condition of the arms and equipments belonging to the State. I feel that you would be richly paid by a visit to the Armory, at the same time that you would be giving encouragement to the commendable spirit and perse-

verance of the officer who has the charge of this department.

I hoped that Professor Rogers would have been able by this time to complete his report of the geological survey of the State, but I learn recently from him that this must be deferred to the beginning of February next. I enclose his communication that you may see the reasons which have occasioned the delay.

It appears by a report recently made to me by the keeper of the State Prison, that the number of prisoners at this time is 161, being two less than at the same period last year. By this it would seem that crime has not increased among us, but the number of convicts is still lamentably great. The earnings of the Prison in the same report for the past year, are estimated at \$9,961 95. and the expenses not including the salaries of the officers, at \$8,901 74.

You may expect a report from the Trustees of the School Fund during your session. The subject of common school education is at all times entitled to your highest consideration. It can never fail to interest us all, intimately connected as it is with the intelligence and virtue of the people, on which alone our institutions securely stand. I invite your attention to an improvement in our system suggested in the last Report of the Trustees of the School Fund, that some mode should be adopted for educating teachers and qualifying them for the discharge of their responsible duties. It is decidedly better to have no School in a district, than to have one under the government of an illiterate or immoral teacher.

A commission of five gentlemen residing in different parts of the State was constituted during the year, agreeably to a joint resolution at the last session, to make certain enquiries in relation to the Lunatics in the State. As the compensation fixed by the resolution was small, I was obliged to rely upon the benevolent zeal of certain gentlemen in order to attain the object of the resolution. I am informed that they have performed this service, and will be able to furnish you during the session with the result of their investigations. The number of this unfortunate class will, I am persuaded, surprise those who have not turned their attention to the subject. If there be any thing in human affliction which should excite our sympathy and succor, it is found in the deplorable condition of that portion of our fellow men, who have in the inscrutable decrees of Providence been deprived of their reason. Let me bespeak for this interesting subject that liberal action which shall be worthy of a feeling and a christian people.

WM. PENNINGTON.

Trenton, October 22, 1839.

Which was read, and ordered to lie on the table.

Ordered, That five hundred copies of the Governor's Message, with the accompanying documents be printed.

Council adjourned to ten o'clock to-morrow morning.

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THURSDAY, October 24, 1839.

*At ten o'clock Council met.*

Mr. Irick offered the following :

*Resolved*, That the Secretary inform the House of Assembly that Council will be ready to go into Joint Meeting, for the appointment of Governor and such other State and county officers as may be deemed necessary, to-morrow morning, at ten o'clock, in the Assembly Room.

Which was read, and agreed to.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. McChesney, with leave, presented a bill entitled "A supplement to an act entitled 'an act to authorize the Board of Chosen Freeholders of the county of Mercer to borrow money.'"

Which was read—

Ordered, That said bill have a second reading.

Mr. Price, from the committee to whom had been referred the memorial from Peter Bartholomy and Jacob C. Dey for an act of incorporation,

Reported a bill, entitled

“An act to incorporate the York and Jersey Urate and Poudrette Company.”

Which bill was read, and ordered to have a second reading.

Mr. Lambert, with leave, presented a bill, entitled

“An additional supplement to an act, entitled an act to regulate the Fisheries in the River Delaware and for other purposes, passed the 26th of November, 1808.”

Which bill was read.

Ordered, That said bill be referred to the Committee on the Judiciary, and have a second reading.

A message from the House of Assembly, by Mr. Coppuck their clerk, informed Council that the House of Assembly had completed their list of nominations and furnished Council with a copy of the same.

Council adjourned to ten o'clock to-morrow morning.



FRIDAY, October 25, 1839.

*At ten o'clock Council met.*

Robert H. Kennedy, Esq. appeared and produced his certificate of having been elected a member of the Legislative Council from the county of Warren.

Which certificate was read and approved.

Whereupon, Mr. Kennedy took and subscribed the oath required by the Constitution and Law, before the Vice President, and took his seat in Council.

The nominations from the House of Assembly having been read, Council proceeded to make their nominations for Joint Meeting.

A message from the House of Assembly by Mr. Coppuck their Clerk, informed Council,

That the House of Assembly are now ready to go into Joint Meeting.

Council withdrew to attend Joint Meeting in the Assembly Room, and after some time spent therein

Council returned and came to order.

Mr. Armstrong with leave presented a bill, entitled

"An act to set off from the township of Harrington, in the county of Bergen, a new township to be called the Township of Washington."

Which bill was read, and ordered to have a second reading.

Council adjourned to three o'clock on Monday afternoon.

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MONDAY, October 28, 1839.

*At three o'clock Council met.*

William Pennington, Esq., Governor elect, came into the Council, and having taken and subscribed the usual oaths prescribed by law, he was conducted to the Chair, and took his seat as President of Council.

The bill entitled

"A supplement to an act entitled 'an act to authorize the board of Chosen Freeholders of the county of Mercer to borrow money,'"

Was read a second time, considered by sections and ordered to be engrossed and have a third reading.



**The bill entitled**

**"An act to set off from the township of Harrington in the county of Bergen a new township to be called the Township of Washington."**

**Was taken up and postponed.**

**Mr. Miller with leave presented a bill entitled**

**"A supplement to an act entitled 'an act for suppressing Vice and Immorality, passed the sixteenth day of March, 1798,'"**

**Which bill was read, and ordered to have a second reading,**

**Council adjourned to ten o'clock to-morrow morning.**

**TUESDAY, October 29, 1832.**

*At ten o'clock Council met.*

**The engrossed bill entitled**

**"A supplement to an act entitled 'an act to authorize the Board of Chosen Freeholders of the county of Mercer to borrow money'"**

**Was read a third time and compared.**

**On the question. Shall this bill pass?**

**It was decided in the affirmative by the votes of all the members present, viz.:**

**Yeas.**

**Messrs. Price,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.),  
Corson,**

**Messrs. Snyder,  
Miller,  
Barber,  
Kennedy,  
Board,  
Ireland,  
McChesney. — 14..**

**Ordered, That the President sign said bill.**

**Ordered, That the Secretary inform the House of Assembly that Council have passed said bill, and request their concurrence.**

**The bill entitled**

**"An act to Incorporate the York and Jersey Urate and Poudrette Company,"**

**Was taken up and recommitted.**

**The bill entitled**

**"A supplement to an act entitled 'an act for suppressing vice and immorality, passed the sixteenth day of March, 1798'"**

**Was read a second time, considered by sections and ordered to be engrossed and have a third reading.**

**Mr. McChesney presented a petition from a large number of the citizens of Trenton, praying for an act of Incorporation to authorize a Bridge to be built across the River Delaware near the head of the Falls opposite the city of Trenton.**

**Which petition was read, and referred to the Committee on Corporations.**

**Council adjourned to three o'clock this afternoon.**

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*At three o'clock Council met.*

**The President laid before Council a communication received by the Vice President from John Nagle, President of the Philadelphia and Trenton Rail Road Company.**

**Which was read and ordered to lie on the table.**

**Mr. Price from the committee to whom had been referred the bill entitled**

**"An act to incorporate the York and Jersey Urate and Poudrette Company,"**

**Reported the same with sundry amendments.**

Mr. Miller from the Committee on Corporations, to whom had been referred the petition of sundry citizens of Trenton for a Bridge across the Delaware River,

Reported a bill entitled:

"An act to incorporate the Trenton City Bridge Company."

Which bill was read and ordered to have a second reading.

Mr. Irick offered the following:.

*Resolved*, That Orin Bailey be Engrossing Clerk for Council during the present session of the Legislature.

Which was read and agreed to.

The bill entitled:

"An act to set off from the township of Harrington, in the county of Bergen, a new township to be called the township of Washington,"

Was read a second time, considered by sections, and on ordering said bill to be engrossed, the Yeas and Nays being required to be entered on the Journal, were as follows, viz.

### Yeas.

Messrs. Armstrong,  
Applegate,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney.—10.

### Nays.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland,—7.

So it was ordered to be engrossed and have a third reading.

Mr. Armstrong, from the committee on the affairs of the State Prison, asked and obtained leave for said committee to be absent during the sittings of Council.

The Governor laid before Council the following Annual Report of Pilot Commissioners.

*Jersey City, 26th of October, 1839.*

The Board of Commissioners of Pilotage for the State of New-Jersey, in compliance with the requirements of the 2nd section of further supplement to the law authorizing their appointment and defining their duties,

Respectfully REPORT to the Legislature of New-Jersey, that during the present year, they have, in the fulfilment of the duties of their office, continued in-commission fourteen Branch Pilots and one Deputy Pilot, who have had under their charge and tuition five approved youths as apprentices, which said youths were duly examined in May last, as directed in Section 19th. And one Deputy Pilot has been examined, found qualified, and commissioned as a Branch Pilot.

During this year (1839) 340 vessels have been brought into port and 260 taken out,—making a total of 600 for the nine months ending on the 30th of September last, and no one instance in this number has been known of loss or accident.

The Commissioners feel gratified in being able to inform the Legislature that the efforts of the New-Jersey Pilots continue to give satisfaction to those connected with the commercial interests of our State, and our great neighboring City; and the fact that very many vessels have been boarded by the New-Jersey Pilots from 20 to 100 miles from the land gives ample evidence of their vigilance and zeal.

The commissioners with deep regret have to state the loss of one of the Pilot boats belonging to the establishment (the John McKeon,) which from the circumstance of her not being heard of since August the 29th, doubtless took place in the almost unexampled gale of that date which swept along our coast and proved so fatal and so injurious to the navigation interests. She had on board at the time, one apprentice and three boatmen.

The New-York Pilot boat Gratitude having not been heard of since the same gale, like fears of her loss are entertained, and increases our regret that so many valuable lives, whose most unremitting exertions had been used to benefit the wayworn mariner, should be taken at the same time.

The commissioners most respectfully leave to the philanthropy of the Legislature the propriety of some token of their sympathy with the families of the deceased and the loss of the surviving sufferers.

Respectfully submitted,

JOHN F. ELLIS, President,  
Board of Commissioners of Pilotage.

P. S. Three Pilots have resigned their branches and five have been discharged for non-performance of duty.

J. F. E., Prest. B. C. P.

Which report was read and ordered to lie on the table.

Council adjourned to ten o'clock to-morrow morning.

WEDNESDAY, October 30, 1839.

*At ten o'clock Council met.*

Mr. Haines from the committee on the Judiciary to whom had been referred the bill entitled

“An additional supplement to an act entitled ‘an act to regulate the Fisheries in the River Delaware and for other purposes, passed the twenty-sixth day of November, 1808,

Reported the same with an amendment.

Mr. Appleget from the Committee to whom had been referred the Unfinished Business of last Session reported the following bills, viz :

- No. 1. An act for the relief of Cæsar Jackson of Bergen.
2. An act to incorporate the Ocean Steam Navigation Company of the State of New-Jersey.
3. An act to erect a new township in the county of Hunterdon to be called the Township of Mount Airy.
4. An act to annex part of the township of Independence in the county of Warren to the township of Hardwick in said county.
5. An act to authorize the business of Banking in the State of New-Jersey.
6. Supplement to an act entitled ‘an act to establish Public Schools, passed March 1st, 1838.’
7. A Joint Resolution in relation to an Agricultural Survey of the State of New Jersey.

Which Bills and Joint Resolution were ordered to lie on the table.

The engrossed bill entitled

"A supplement to an act entitled 'an act for suppressing Vice and Immorality, passed the 16th day of March 1798,'"

Was taken up, the question upon ordering it to be engrossed was reconsidered for the purpose of amendment, and said bill referred to the Committee on the Judiciary.

The bill entitled.

"An act to incorporate the "York and Jersey Urate and Poudrette Company" for the purposes of Agriculture,

Was read a second time, the consideration thereof progressed in and postponed.

Mr. Miller with leave presented a bill entitled

"An act to repeal part of the fifth section of the act entitled 'an act to facilitate the administration of Justice,' passed the 23d day of February A. D. 1838.

Which was read and ordered to have a second reading, and referred to the Committee on the Judiciary.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met:*

Mr. Taylor, from the Joint Committee on Public Printing, reported the following :

*Resolved*, That Phillips and Boswell be appointed to do the current printing of Council during the session of the present Legislature,"

Which was read and agreed to.

The consideration of the bill, entitled

An act to incorporate the "York and Jersey Urate and Poudrette Company, for the purposes of Agriculture,"

Was resumed and completed, and said bill was ordered to be engrossed and have a third reading,

Mr. Irick, from the Joint Committee on the settlement of the Treasurer's accounts, asked leave for said committee to have permission to sit during the sittings of Council.

Which request was granted.

Council adjourned to ten o'clock to-morrow morning.

**THURSDAY, October 31, 1839.**

*At ten o'clock Council met.*

Mr. Haines, from the committee on the Judiciary, to whom had been referred the bill entitled

"A supplement to an act entitled an act for suppressing vice and immorality, passed the sixteenth day of March, 1798,"

Reported the same with an amendment.

A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had passed the bill from Council, entitled

"A supplement to an act entitled an act to authorize the Board of Chosen Freeholders, of the county of Mercer, to borrow money,"

Without amendment.

Also, That the House of Assembly had passed a bill entitled

"An act to authorize the sale of the old Methodist Meeting House and Lot in Mount Holly, in the county of Burlington."

To which bill the concurrence of Council is requested.

The bill from the House of Assembly, entitled

"An act to authorize the sale of the old Methodist Meeting House and Lot in Mount Holly, in the county of Burlington,"

Was read, ordered to have a second reading, and referred to the Committee on the Judiciary.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

The bill entitled

"A supplement to an act entitled an act for suppressing vice and immorality, passed the sixteenth day of March, 1798,"

Was read a second time as amended, and ordered to be engrossed and have a third reading.

Mr. Price presented a petition from the Board of Chosen Freeholders of the county of Bergen, praying for a law requiring citizens of other States to pay for the board of such insolvents from other States as are thrown into prison by creditors who are non-residents of New-Jersey.

Which petition was read, and  
Referred to Messrs. Price, Miller, and Haines.

Council adjourned to ten o'clock to-morrow morning.

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**FRIDAY, November 1, 1839.**

*At ten o'clock Council met.*

Mr. Haines, from the committee on the Judiciary, to whom had been referred the bill, entitled

"An act to repeal part of the fifth section of an act, entitled an act to facilitate the administration of justice," passed the 23d day of February, 1838.

Which bill was read a second time, considered, and ordered to be engrossed and have a third reading.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

No business being offered, Council adjourned to three o'clock on Monday afternoon.



**MONDAY, November 4, 1839.**

*At three o'clock Council met.*

Mr. Price presented a petition from a large number of the citizens of Bergen county, praying for an alteration in the law in relation to imprisonment for debt.

Which was read, and

Referred to Messrs. Price, Miller and Haines.

The engrossed bill, entitled

"An act to set off from the township of Harrington, in the county of Bergen, a new township to be called the Township of Washington,"

Was read a third time and compared.

On a motion to postpone the further consideration of said bill until the next sitting of the Legislature, the Yeas and Nays being required to be entered on the Journal, stood as follows, viz.

### **Yeas.**

Messrs. Price,  
Oliphant,  
Irick,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland.—8.

### **Nays.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney.—9.

So it was determined in the negative.

On the question, Shall this bill pass?

It was determined in the affirmative, as follows, viz.

**Yeas.**

**Messrs.** Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)

**Messrs.** Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney.—10.

**Nays.**

**Messrs.** Price,  
 Oliphant,  
 Lambert,

**Messrs.** Kennedy,  
 Snyder,  
 Haines,  
 Ireland.—7.

**Ordered,** That the Vice President sign said bill.

**Ordered,** That the Secretary inform the House of Assembly that Council have passed said bill and request their concurrence.

**The Engrossed Bill entitled**

“A supplement to an act entitled ‘an act for suppressing Vice and Immorality, passed the 16th day of March 1798,”

**Was read a third time and compared.**

**On the question, Shall this bill pass?**

**It was determined in the affirmative unanimously.**

**Ordered,** That the Vice President sign said bill.

**Ordered,** That the Secretary inform the House of Assembly that Council have passed said bill and request their concurrence.

**The engrossed bill entitled**

“An act to repeal part of the fifth section of the act entitled ‘an act to facilitate the Administration of Justice passed the 23d day of February, 1838,”

**Was taken up.**

**The vote ordering said bill to be engrossed was reconsidered, Said bill placed on its second reading, amended, and**

**Ordered to be re-engrossed and read a third time.**

**A message from the House of Assembly by Mr. Coppuck their Clerk, informed Council**

**That the House of Assembly had passed the following bills, viz :**

**"An act to authorize the Mayor and Common Council of the city of Newark to borrow money," and**

**"An act authorizing the sale of certain Real Estate of John Smith, deceased,"**

**To which bills the concurrence of Council is requested.**

**The bill from the House of Assembly entitled**

**"An act to authorize the Mayor and Common Council of the city of Newark to borrow money,"**

**Was read, and referred to the Committee on Corporations.**

**The bill from the House of Assembly entitled**

**"An act authorizing the sale of certain Real Estate of John Smith, deceased,"**

**Was read, and referred to the Committee on the Judiciary.**

**Mr. Irick from the Joint Committee to examine and audit the Treasurer's accounts reported the following:**

**We the Committee of Council and Assembly appointed to settle and audit the accounts of the Treasurer of this State, do hereby certify, that we have examined the books in his office, and have compared the same with the evidences relating thereto, and find the same regularly stated and balanced; and also that the balance of moneys, evidences of public stocks, securities, &c. are actually in the Treasury.**

**WILLIAM IRICK, } Committee of Council.  
FRANCIS PRICE, }**

**Dated, Trenton, October, 1839.**

## TREASURER'S REPORT.

*To the Honorable the Legislative Council  
and General Assembly of the State of New-Jersey.*

By the law, passed in 1838, it is made the duty of the treasurer, immediately after his accounts shall be audited by the committee appointed for that purpose, to submit to the legislature a balance sheet exhibiting the general items of expenditure—the amount of receipts, and the sources whence they have been received; the indebtedness of the state, if any, how and where; the amount of school fund, and how invested; the amount of bank tax, and the sum applied to common schools; and how disposed of, &c.

In obedience to the requirements of this act, I have the honor to present the accompanying statement.

By this statement it will appear that the receipts into the treasury during the present year amount to one hundred and twenty-six thousand five hundred and ninety-seven dollars and sixty-seven cents.

Of this sum about forty thousand dollars have been applied to the payment of the public debt and interest; about fifteen thousand dollars have been paid on account of the state prison, for completing it, for the salary of the officers, and for transportation of prisoners, and costs of conviction; and about sixty-two thousand dollars have been appropriated to the payment of the ordinary expenditures of the government, leaving a balance in the treasury of nine thousand two hundred and thirteen dollars and eighteen cents.

It will also be observed that there has been a considerable increase in the item of expenditures for costs on conviction of criminals. The great diversity in making out and taxing these bills of cost by the clerks of the different counties, seems to me to show that some legislative provision is necessary on the subject, the bills in some instances varying from ten to forty per cent. The act which makes it the duty of the treasurer to examine all bills of costs presented for payment, and to return them to the court to be re-taxed, if any items are charged contrary to law, is difficult as well as unpleasant in its execution—difficult because the law provides that no item or items shall be allowed when the services have not actually been performed, and shall so appear on the minutes of the court—and yet in no one instance has a copy of the minutes of the court been furnished; and unpleasant, because although taking the law alone as my guide in the discharge of my duty, I have frequently been met with the plea of hardship, and even the charge of injustice, where no allowance was made for services

which were alleged to have been performed. But the unequal effect of this law will be made more apparent when it is observed that one of the counties of the state has drawn from the treasury, during the present year, upwards of eighteen hundred and fifty dollars, a sum more than equal to the amount drawn by one half of the counties, while some have not drawn a dollar.

It likewise appears that errors have heretofore existed in some of the counties in making out the bills of cost on inquisitions, by which considerable sums of money have annually been drawn from the treasury not warranted by law, as I understand it. An effort has been made to correct these errors, and I have the satisfaction to add, that in most cases it has been successful.

I think it proper, also, to mention that some difference of opinion has existed between the officers of the Camden and Amboy Railroad and Transportation Company, and those of the New-Jersey Railroad and Transportation Company, and myself, with regard to the construction of some of the provisions of their acts of incorporation, and the supplements thereto, respecting the amount of transit duties required to be paid to the state; and as the amount derived from those companies does and must continue to form a very material item in the permanent revenues of the state, it becomes important that a fair, liberal, and equitable construction should be put upon these acts of incorporation.

The faithfulness of the state in protecting those companies in their rights and privileges should, and it is fair to presume will, at all times be met by a readiness to fulfil, on their part, what the law requires. The attention of the legislature is respectfully solicited to this subject.

By the annexed statement it will be seen, that although the expenses of the government for the present year have been increased a little over the preceding year, that this has principally arisen from the investigation of the Cumberland election, the increased expenditure on account of deaf, dumb, blind and insane, of revolutionary pensioners, and of costs on convictions. But if the balance remaining in the treasury, and the twenty thousand dollars state tax, that will be paid during the coming months of December and January, be applied to the public debt (the purpose for which the tax was ordered to be collected) the debt during the present year will be reduced upwards of forty thousand dollars, after meeting all the expenditures of the government.

With regard to the school fund, it is proper to remark, that notwithstanding ten thousand dollars have been appropriated to the use of common schools, in the present, over former years

(except the preceding one,) yet there will be added to that fund about ten thousand dollars.

I take the liberty, before closing this communication, again earnestly, though respectfully, to call the attention of the legislature to the unprotected condition of the papers and documents in the treasury department; and, if it be thought inexpedient at this time to incur the expense of erecting an office, it is hoped that authority will be given to purchase a safe or iron chest, in which the most valuable papers and evidences of the public funds may be preserved from destruction by fire or otherwise. The increased responsibility of the treasurer, in consequence of the repeated instances of fire and burglary, I trust will be a sufficient apology for again recurring to this subject. All which is respectfully submitted.

ISAAC SOUTHARD, Treasurer.

Trenton, November 4, 1839.

**DR. Balance Sheet, or General Statement of the**

		Dolls.	Cts.
1839.	Outstanding debts due :		
Oct. 23,	Loan from school fund, (See Statement, 1838,) \$70,865.06		
	Interest on that sum for one year, 4,251.90		
	Loan from Trenton Bank- ing Company, 2,000.00		
	Interest on that sum for one year, 120.00		
		77,236	96
	Loan from sundry banks, \$20,000.00		
	Loan from school fund, 3,442.17		
		23,442	17
	Cash received :		
	Balance in treasury, \$8,209.68		
	Received from Camden & Amboy Railroad and Transportation Co., 43,491.88		
	From Delaware and Rari- tan Canal Company, 5,495.00		
	From New-Jersey Rail- road and Transportation Company, 4,847.00		
	State tax, 40,000.00		
	From First Presbyterian Society, Paterson, 140.00		
	Pedler's licenses, 186.62		
	Old iron, sold at state ar- senal, 147.95		
	Balance surplus revenue, 637.42		
		103,455	56
		203,834	63
	Balance due,	77,236	96

We, the auditing committee, do hereby certify that the fore-  
going balance sheet is correct, as appears by the books and  
vouchers in the treasurer's office.

WM. IRICK,	}	Com. of Council.
FRANCIS PRICE,		
E. SANDERSON,		
AB'M BRITTIN,	}	Com. of Assembly.
JOHN MOORE,		
JAMES CRAIG,		
A. V. P. SUTPHEN,		

## Condition of the Treasury, October, 1839. CR.

1839. By the following disbursements :	Dolls.	Cts.
Paid state account,	6,088	29
Legislative expenses,	24,207	23
State officers' salaries,	12,010	00
Incidental expenses,	3,980	96
State prison—salary of officers,	6,659	55
Appropriation for completing state prison,	2,657	11
Costs and transportation of criminals,	5,424	76
State arsenal,	1,031	2
Instruction and support of blind,	2,856	28
“ “ deaf and dumb,	3,157	85
Lunatics and idiots,	500	00
Revolutionary pensions,	1,866	29
Military officers,	420	00
Inquisitions,	1,071	33
Printing account,	3,688	68
State house property,	380	24
Postage account,	1,090	19
Premium on silk,	34	15
State library,	296	87
Constables attending supreme court,	143	75
Sundry loans,	33,000	00
Interest on loans,	1,819	92
Cash deposited :		
In Mechanics and Manufacturers Bank, Trenton,	\$8,670.67	
State Bank at Newark,	95.86	
Trenton Banking Co'y.,	100.40	
State Bank at Camden,	31.00	
Due from First Presbyterian and St. Pauls Church, Paterson,	315.25	
	<hr/>	<hr/>
Balance,	9,213	18
	77,236	96
	<hr/>	<hr/>
	203,834	63



**DR. Balance Sheet, or General Statement of the**

1839.	STOCKS.	Dolls.	Cts.
October, Amount of fund invested in stocks;			
40 shares Cumberland Bank,	\$2,000.00		
20 shares Sussex Bank,	1,000.00		
159 shares Trenton Bank,	4,770.00		
250 shares N. J. Railroad and Transportation Company,	12,500.00		
		20,270	00
	<b>LOANS.</b>		
Loan to N. J. Railroad and Transportation Company,	\$100,000.00		
Morris & Essex Railroad & Transportation Co.	30,000.00		
Newark city,	30,000.00		
Sussex county on mortgage,	8,000.00		
Anderson Lalor, do.,	12,000.00		
State of New-Jersey,	78,559.13		
		258,559	13
	<b>TAXES DUE.</b>		
From N. B. Bank, Mechanics Bank, Paterson, and Washing- ton Bank, doubtful,		1267	30
	<b>CASH RECEIVED.</b>		
Balance in treasury,	\$5,831.21		
Bank tax received,	24,432.44		
Dividends on stock received,	1,285.80		
Interest on loans received,	9,900.00		
		41,449	45
Cash on deposit,		7,191	18
		328,737	06

1839.

Oct. 29, Balance due, being total  
amount of school fund, 287,287 61

We, the auditing committee, do hereby certify that the fore-  
going balance sheet is correct, as appears by the books and  
vouchers in the treasurer's office.

WM. IRICK,	}	Com. of Council.
FRANCIS PRICE,		
E. SANDERSON,		
ABR'M. BRITTIN,	}	Com. of Assembly.
JOHN MOORE,		
JAMES CRAIG,		
A. V. P. SUTPHEN,		

## Condition of the Treasury, October, 1839, CR.

1839.	By the following disbursements :	Dolls.	Cts.
April,	Paid incidental expenses,	66	35
	Collector of Gloucester, for com- mon schools,	2,184	00
	Essex,	2,664	00
	Passaic,	768	00
	Bergen,	1,615	50
	Morris,	2,352	00
	Sussex,	1,518	75
	Warren,	1,638	75
	Hunterdon,	2,326	50
	Somerset,	1,882	50
	Middlesex,	2,049	75
	Monmouth,	2,792	25
	Mercer,	1,710	00
	Burlington,	2,857	50
	Cumberland,	1,189	50
	Salem,	1,617	00
	Atlantic,	349	50
	Cape May,	484	50
	Profit and loss—Belleville Bank tax,	749	75
	Amount loaned to state,	3,442	17
		<hr/>	
		34,258	27
On deposit :			
	In Newark Banking and Insurance Co.	\$4,443.25	
	Mechanics and Manufactur- ers Bank, Trenton,	62.13	
	State Bank at Camden,	1,300.00	
	State Bank at Newark,	500.00	
	Trenton Banking Co'y.	190.80	
	Cumberland Bank,	60.00	
	Sussex Bank,	35.00	
	Due from Newark city,	600.00	
		<hr/>	
		7,191	18
	Balance,	287,287	61
		<hr/>	
		328,737	06
		<hr/>	

Which was read, and ordered to lie on the table, and five hundred copies be printed for the use of Council.

Council adjourned to ten o'clock to-morrow morning.

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**TUESDAY, November 5, 1839.**

*At ten o'clock Council met.*

Mr. Haines from the committee on the Judiciary to whom had been referred the bill from the House of Assembly, entitled

“An act to authorize the sale of the old Methodist Meeting House and Lot in Mount Holly, in the county of Burlington,”

Reported the same without amendment.

Which bill was read, and ordered to have a second reading.

Mr. Miller from the Committee on Corporations, to whom had been referred the bill from the House of Assembly, entitled

“An act to authorize the Mayor and Common Council of the city of Newark to borrow money,”

Reported the same without amendment.

Which bill was read, and ordered to have a second reading.

Mr. Irick called up the Report of the Joint Committee to settle the Treasurer's accounts,

Which was approved by Council.

Ordered, That the Vice-President sign the same, and that it be filed in the office of the Secretary of State.

The President laid before Council a communication from the Secretary of War, requesting a cession of jurisdiction on the part of the State of New-Jersey to certain lands owned by the United States, within her borders, and appropriated to fortifications and the public defence, in the vicinity of Sandy Hook.

Which was read, and referred to a special committee consisting of Messrs. Taylor, Haines, and Armstrong.

The re-engrossed bill, entitled

“An act to repeal part of the fifth section of the act entitled ‘an act to facilitate the administration of Justice,’ passed the 23d day of February, A. D. 1838,”

Was taken up—the vote ordering said bill to be re-engrossed was re-considered, and said bill was placed on its second reading—further amended, and

Ordered to be re-engrossed and have a third reading.

Council went into a Court of Appeals, and after some time spent therein Council came to order.

The President laid before Council the following Annual Report of the Trustees of the School Fund.

## REPORT OF THE TRUSTEES OF THE SCHOOL FUND.

*To the Honorable the Legislature of the State of New-Jersey :*

The Trustees of the School Fund have the honor to present the following Report :

By the fourteenth section of the act to establish public schools, passed the first day of March, eighteen hundred and thirty-eight, it is made the duty of the trustees of the school fund to prepare and submit an annual report to the legislature, containing a statement of the condition of public schools throughout the state; estimates and accounts of expenditures of all moneys appropriated by law to the purposes of education; together with all such matters relating to education as they may deem it expedient to communicate.

### THE CONDITION OF THE PUBLIC SCHOOLS.

The condition of the public schools throughout the state, so far as the trustees have been able to ascertain the same, will appear by a reference to the annexed table, marked A. This table contains an abstract of the reports made by the school committees of the several townships in the state, for the year ending the fourth day of March, 1839, and exhibits the number of school districts in each township, the number of children between the ages of five and sixteen years in each district, the number of scholars taught therein, the terms of tuition, the length of time the schools have been kept open, and the amount of money received from the township collectors. The annexed

table, marked *B*, contains a summary of the same matters in a more condensed form.

There are seventeen counties in the state, and one hundred and thirty-nine townships, including the cities of Newark and Jersey City. In the counties of Morris, Warren, Middlesex, Monmouth, and Gloucester, all the townships but one have made returns; in Bergen, Hunterdon, and Cape May, all but two; in Passaic, Somerset, Mercer, and Cumberland, all but three; and in Essex, all but four. In Sussex, but six townships out of eleven, and in Salem, but three out of nine, have made returns. From the county of Atlantic, no returns whatever have been received.

In the eighty-nine townships from which returns have been received there are nine hundred and forty-two school districts, and of these eight hundred and thirty-five have made reports. How many school districts have been organized in the townships from which no returns have been received, the trustees have not the means of ascertaining. While they cannot but regret that there are fifty townships in the state, the school committees of which have entirely neglected to perform the duties enjoined upon them, yet, when it is recollected that the law has but recently gone into operation, and the delay and embarrassment almost necessarily consequent upon the introduction of a new system, are taken into consideration, it ought not, perhaps, to be a matter of surprise that more returns have not been received. In this respect, if in no other, the act of 1838 has proved of more practical utility than any which preceded it.

It appears that the whole number of children between the ages of five and sixteen years residing in the districts from which returns have been received, is sixty-four thousand four hundred and eleven, while the number of children attending school is but thirty-three thousand nine hundred and fifty-four, or but little over one half. This is a most fearful disparity, and if it is to be taken as a true index of the proportion which exists in New-Jersey, between the whole number of children of an age to attend school and the number in actual attendance, it is calculated to awaken serious reflection. It would present a most melancholy contrast to the condition of common schools and the diffusion of education in some of our sister states. But this comparative statement must be taken with some grains of allowance. There is some relief to the dark picture which it exhibits.

In the first place, the returns of the number of children attending school do not profess to be made with entire accuracy. Some of them are confessedly only conjectural. We may in-

adulge the hope, therefore, that the number of children in our public schools is really not so small as the returns would indicate. In the next place, the returns show only the number of children attending school at a given period, or the average number of those who have attended throughout the year. They do not give, nor would it perhaps have been practicable to do so, the whole number of scholars who have attended for a longer or a shorter period at any time during the year. In agricultural districts, where the population is sparse and the school houses remote from the residences of the children, it doubtless often happens that many are sent for a single quarter, some for half the year only, and comparatively few attend the whole period during which the schools are kept open. There may, thus, be a succession of children at the same school, and, while but a portion of them may have enjoyed the advantages of a constant and regular attendance, all may have shared somewhat in its benefits. In addition to all this, it is to be remembered that the returns embrace only those children who have attended public schools. They do not include those who have attended private schools, and who, in some of the districts, probably constitute a very considerable proportion of the children between the ages of five and sixteen years.

But, after every deduction is made, the painful truth forces itself upon our conviction, that there are thousands of children in the state of New-Jersey, between the ages of five and sixteen who never go to school. Surely this would be sufficient, if other arguments were wanting, to induce an enlightened legislature to make the most strenuous and unremitting efforts for the improvement and extension of our present school system. The first duty of a free state is to see that all its children are provided with the means of education.

The number of children attending school, in proportion to those between the ages of five and sixteen, appears to be greater in the county of Burlington than in any other portion of the state. This may be in a great measure ascribed to the fact, that the society of Friends, who have always been the liberal patrons of education, here compose so large and respectable a part of the population ; while, on the other hand, the comparatively small number of children who have attended the public schools in the counties of Essex and Mercer, may be owing to the existence of many flourishing private schools in each of these counties.

The average number of children who have been instructed in the districts from which returns have been received is about forty-one ; that is, forty-one children have, on an average, at-

tended the public schools in each district, either the whole or a part of the time during which the schools have been kept open. A single teacher, as there are few districts which have more, could not, perhaps, very advantageously instruct a much larger number of scholars.

The average period of time during which the schools have been kept open in each district, is about eight months in the year. But this period varies very considerably in the different counties. Thus, in the county of Bergen, schools have been kept open an average period of eleven months, in the counties of Somerset and Burlington, an average period of ten months; in the counties of Essex, Passaic, Morris and Mercer an average period of nine months; in the counties of Sussex, Warren, Middlesex, Hunterdon and Monmouth, an average period of eight months; in the counties of Gloucester, Salem, and Cumberland, an average period of five months; and in the county of Cape May, an average period of two months.

The average price of tuition in the districts from which returns have been received, is a fraction less than two dollars a quarter for each scholar. The lowest price paid for tuition in any of the counties, is in Cape May, where it is but one dollar and thirty-three cents. Thus the average rate of wages received by the teachers of public schools in the state of New-Jersey would seem to be about eighty dollars a quarter. This is believed to be a more liberal compensation than they are in the habit of obtaining in some of the neighboring states; and were our schools well attended and kept open, as they should be, throughout the year, it ought to secure the services of competent teachers.

Upon the whole, although our public schools are far from being in a flourishing condition, yet it is gratifying to find that the reports of the school committees, from almost every county in the state, present them as improving. The people, it is said, are becoming alive to their importance, and begin to manifest some interest on their behalf. The act, too, of 1838, it is almost universally admitted, is the best law we have ever had upon the subject of schools, and has most agreeably disappointed the expectations that were formed of it. Although but a feeble and imperfect system, and much below the spirit and wants of the age, yet has it done much good, and been productive of the most beneficial results.

#### ESTIMATES AND EXPENDITURES OF SCHOOL MONEYS.

In conformity with the provisions of the first section of the act before referred to, the trustees, on the first Monday of April, 1838, appropriated, out of the income of the school fund, the sum of thirty thousand dollars for the support of the public

schools in the state of New-Jersey, during the year ending on the fourth of March, 1839. This sum was apportioned among the several counties, in the ratio of the taxes paid by them for the support of the government of the state during the preceding year. A true list of this apportionment was made out and filed with the treasurer of the state, by whom the money was paid to the collectors of the several counties respectively. *Statement C*, hereto annexed, contains a copy of said apportionment.

The whole amount of money received from the township collectors by the districts which have made returns, is \$43,339.32. This includes not only their proportion of the \$30,000 appropriated out of the income of the school fund, but also their share of all other moneys raised by the townships for the support of public schools. What their proportion of the \$30,000 would be, cannot be stated with precision, because there are no means of ascertaining the proportion which the children between the ages of five and sixteen residing in the districts which have made returns, bear to the whole number of children within those ages residing in the state. But it cannot vary far from \$17,000. This would leave \$26,339.32 as their share of the moneys raised by the townships for the support of schools. So that for every dollar received by the townships out of the income of the school fund, one dollar and fifty-three cents have been raised by them for the purposes of education. When it is recollected that the townships are under no obligation to raise a dollar in aid of the school fund, and that they are not permitted to raise more than twice the amount which they receive from that source, this must be deemed a most gratifying result. It shows that there is a spirit among the people, which, if seconded by liberal and enlightened legislation, will soon make our school system all that the most ardent friends of education can desire.

This spirit, however, manifests itself much more conspicuously in some counties than in others. Take the county of Morris, for instance, in which, judging from the returns of the school committees, a deeper interest is felt in the subject of education than in any other county in the state. She receives from the income of the school fund but \$2352; and yet the amount expended by her in support of schools is \$6469.91, exclusive of the township of Randolph, from which no returns have been received. The people of Morris have raised by taxation all that the law would permit them to raise for the support of schools, and their complaint is, that they are not permitted to raise more. In Monmouth and Middlesex, too, the amount raised by voluntary taxation far exceeds that received



from the state. In two of the townships of Burlington county, alone, the amount paid by the collectors for the support of schools is \$2566.37, nearly as much as the whole county receives from the school fund; while, on the other hand, in eight townships of the county of Essex, from which returns have been received, there appears to have been appropriated for the support of schools only \$1595.97, less than thirty dollars for each district. This, it is true, does not embrace the city of Newark, which contains so large a portion of the population of the county, and from which it is deeply to be regretted that no returns have been received.\* The whole amount received from the township collectors, in the districts which have made returns, will average about one dollar and twenty-seven cents for each scholar, and about fifty-two dollars for each school district.

This money appears to have been expended by the trustees of the school districts throughout the state in various ways. In some instances it has been appropriated exclusively to the schooling of poor children. Sometimes it has been expended for the building or repairing of school-houses, sometimes for the purchase of fuel. More frequently, however, it has been equally divided among the children attending school, and applied to the payment of the expenses of tuition. In some few instances it does not appear to have been expended at all, but to have remained unemployed in the hands of the trustees of the schools or the township collector.

The whole amount of moneys paid for tuition in the districts which have made returns is \$181,088. Deducting from this \$43,330.32, the sum received from the township collectors, there would remain \$137,748.68, as the amount paid by the parents or guardians of children for the expenses of tuition. This, however, is upon the supposition that the whole of the moneys received from the township collectors has gone towards the payment of the teachers' wages; whereas a portion of it, as we have seen, has been expended in the erection and repair of school-houses and the purchase of fuel. It would then, perhaps, be fair to estimate that about one-fifth of the whole expenses of tuition is defrayed out of the public funds, and the remaining four-fifths paid by individuals.

No portion of the money received from the township collectors by the trustees of the school districts appears to have been expended in the purchase of books. This, however, is one of the objects to which, by law, it may be applied; and it is much to be desired that in every district a small sum should be set apart every year for the purchase of a library. The amount required for this purpose would not be large, and it is impossi-

See Statement E, hereto annexed.

ble to calculate the good that might result from it, particularly in the more sequestered districts. There are large sections of the state in which there are no public libraries; and many neighborhoods, doubtless, where, with the exception of the Bible, no books are to be found adapted to youth, and calculated to convey useful information in a pleasing form. There has lately been published in the state of New-York, under the direction of the superintendent of common schools, a series of books of this description, designed to form a district library. It embraces fifty volumes, upon a variety of subjects judiciously selected, and the whole expense, including a neat book-case, is but twenty dollars. A second series of books of the same description is also in the course of publication. The trustees have supposed that they would be performing an acceptable service by selecting from these two series, such books as in their opinion would be most suitable for a district library in the state of N-Jersey. *Statement D*, hereto annexed, contains a list of these books, consisting of fifty volumes.

#### GENERAL OBSERVATIONS.

In the last annual report of the trustees of the school fund, made the sixth day of February, 1839, it was very respectfully suggested, that, among the improvements necessary to complete and perfect our present system of public schools, the following were worthy the attention of the legislature.

1. A provision which should make it obligatory upon the inhabitants of every township to raise, by taxation, a sum at least equal to what they receive from the state, before they are permitted to participate in the public bounty.
2. The removal of the restriction which is imposed upon the inhabitants of townships, as to the amount which they may raise, by taxation or otherwise, for the support of public schools and in aid of the funds of the state.
3. The erection of schools for the express purpose of educating teachers, and qualifying them for the discharge of their responsible duties.
4. Some provision for the purpose of supplying every district school with a small library, together with a few globes, maps, and other similar aids in the acquisition of knowledge.
5. The general elevation of the standard of public instruction, and the introduction of many useful and necessary branches of knowledge, which are now seldom taught in our common schools.

Subsequent reflection and observation have only tended to strengthen, in the opinion of the trustees, the value and importance of these suggestions. Some of them it is obvious, can-

not be adopted at once, but must require time for their accomplishment ; but there are others, in reference to which the immediate action of the legislature is most earnestly invited.

That the inhabitants of the townships should be under no obligation to raise money by taxation, in aid of the funds of the state, is a prominent defect in our present system, and one which stands in need of instant correction. It never was designed that the whole, or even the principal part of the expense of supporting public schools should be defrayed out of the income of the school fund. It is at present entirely inadequate for that purpose. Nor is it, perhaps, to be desired that the fund ever should accumulate to such an extent as to render a resort to all other sources unnecessary. It is an observation, no less true than trite, that we are not apt to set a very high value upon that which costs us nothing. Besides, an education wholly at the expense of the state might come to be regarded in the light of a public charity, and as such be received with reluctance or disdain. Education should be placed within the reach of all ; but some effort should be required, some sacrifices called for, in order to obtain it. Without this, the people will not be very likely to take much interest in it, or to give themselves much care about it. An education gratuitously bestowed, and thanklessly received, would probably not prove to be a very thorough or beneficial one. Now, the great object of a school fund is to excite this effort, to awaken this interest. And the only way in which this object can be accomplished, is by permitting none to participate in it but those who are willing to contribute something towards it. Public bounty should flow only in connection with private contribution. We must proceed upon the principle by which, it is sometimes said, divine beneficence is regulated—the principle of helping those who are willing to help themselves. This is the distinguishing feature in those systems of popular education which have been attended with such happy results in some of our sister states, and it is that to which their efficiency and success are mainly to be ascribed. The want of such a provision in the act of 1838, was seen and lamented at the time by the friends of education throughout the state. But it was hoped, that in consequence of the deep and general interest which seemed to be felt by the people of New-Jersey in the subject of education, no practical inconvenience would result from its omission.—This hope, the trustees regret to say, has not been fully realized. In some of the townships not a dollar has been raised during the past year for the support of schools, and the amount received from the state alone has been entirely too small to be productive of much benefit. The consequence is, that in some

districts it has not been expended at all, while in others, it is to be feared, it has been appropriated in such a way as to accomplish but little good. The absence of this compulsory provision is very generally complained of in the reports of the school committees, and a reform in this particular loudly called for.

So, also, in reference to the restrictions imposed upon the townships, as to the amount which they are permitted to raise for the support of public schools, the trustees would invite the immediate attention of the legislature. The act of 1838 provides that this sum shall in no case exceed double the amount received from the state. Whence, it is respectfully asked, the necessity of any such restriction? Why should not the people of the several townships be permitted to raise by taxation as much money as they may deem necessary for the purposes of education? Are they not the best judges of their own wants? And may they not be safely trusted with their own money? Why should their liberality be fettered, and their zeal be repressed by legislative enactment? Is it apprehended that they will impoverish themselves by excessive taxation, or be too prodigal in their expenditures on behalf of education? It is submitted, that our past experience will furnish no ground for such apprehensions.

But if some restriction upon the townships should still be deemed expedient, is it necessary that they should be confined within such exceeding narrow limits? Might not more latitude in this respect be safely and beneficially allowed to them? Twice the amount received from the state, is, after all, a very small sum to be expended for the purposes of education. When only thirty thousand dollars is distributed throughout the whole state, the proportion to which each township is entitled is but a slender and scanty provision for the support of public schools.

The erection of schools for the education of teachers, is also a subject of great importance in connection with a system of popular instruction. It seems to be conceded upon all hands, that but little progress is to be made in the work of education without a supply of good teachers. You may raise any amount of money for the purpose of education; you may multiply schools without number; you may furnish them with books and fill them with scholars; but unless you go farther, and provide competent teachers, you have legislated to but little purpose. Now, there is nothing in which the public schools of New-Jersey are so lamentably deficient as in well-qualified teachers. This is a want that is universally felt and deplored. Not only are they represented as being incompetent, by reason

of their ignorance and incapacity, but in some instances they are described as being notoriously immoral and habitually intemperate. That the education, the character, the destiny of the children of New-Jersey, those who are to form our future state, should be committed to such hands, is a reflection well calculated to beget alarm:

There seems to be but one way in which a supply of good teachers can be secured. They must be trained to the business of teaching. They must be taught the art of teaching. Those who are to instruct others, must themselves be instructed. In short, there must be schools for the education of teachers.

To require that teachers should be examined and licensed, will not answer the purpose. Where nearly all are unqualified, there is little room for selection. Their deficiencies may in this way be exposed, but how are they to be corrected?

Much attention has recently been bestowed upon this subject in the states of Massachusetts and New-York, whose school systems are in advance of those in other states. In Massachusetts, a normal school, as such institutions are called, has lately gone into operation under the most favorable auspices. This is an important event in the progress of common school education in this country. It is, strictly speaking, the only school of the kind which exists on this side of the Atlantic, although in Prussia, and in many of the German states, they are numerous, and are considered as lying at the very foundation of their admirable systems of popular instruction. The legislature of New-York have, within a few years, engrafted upon their public academies a department for the education of teachers, and liberal appropriations have been made for their support.

Let not New-Jersey be slow to adopt an improvement so essential to the success of her school system. She has ventured upon the experiment of educating the people. She has embarked in the noble cause of popular instruction. Let her not neglect the use of those means, without which that career must be inglorious, that experiment a failure.

There are other topics upon which the trustees would be happy to submit to the legislature the results of their reflection. But this report has perhaps already been extended too far, and they forbear further observations. If, in the remarks which they have already made, they have used too much freedom and boldness of speech, let it be ascribed not to the slightest want of confidence in the wisdom, intelligence, and liberality of the legislature, but to the solicitude which they feel, in common with so many of their fellow-citizens, that there should exist in

the state of New-Jersey a school system worthy of a free and enlightened people.

<b>WILLIAM PENNINGTON,</b>	} TRUSTEES OF SCHOOL FUND.
<i>Governor,</i>	
<b>ANDREW PARSONS,</b>	
<i>Vice President of Council,</i>	
<b>LEWIS CONDUCT,</b>	
<i>Speaker of Assembly,</i>	
<b>JAMES D. WESTCOTT,</b>	
<i>Secretary of State,</i>	
<b>R. S. FIELD,</b>	
<i>Attorney General,</i>	

## STATEMENT A.

*Abstract from the returns of Public Schools of the several townships and counties of the State of New-Jersey, for the year ending March 4, 1889.*

Counties and townships from which returns have been received.	Whole number of districts and parts of districts in the township.	Number of districts from which returns have been received.	Number of children between the ages of 5 and 16, residing therein, as stated in said returns.	Number of children taught during the year, as stated in said returns.	Average number of months in year the schools have been kept open.	Average price of tuition per quarter, for each scholar.	Amount of money received from township collectors.
<b>BERGEN.</b>							
Saddle River,	4	4	187	96	12	\$2.00	\$66.82
Franklin,	16	16	1112	455	11	1.56	452.09
New Barbadoes,	8	8	508	262	12	2.25	142.28
Bergen,	11	11	1131	477	12	2.41	250.00
Lodi,	4	4	387	119	10	1.90	278.00
Hackensack,	9	9	562	281	12	2.00	247.22
	52	52	3087	1690	11	\$2.02	1436.41
<b>ESSEX.</b>							
Orange,	11	11	877	446	9	\$1.87	166.63
Union,	11	8	331	177	8	1.85	115.56
Rahway,	9	6	543	188	10	2.40	170.00
Westfield,	10	8	851	419	9	2.27	297.85
Clinton,	7	6	485	228	11	2.00	120.80
Bloomfield,	12	12	1354	386	10	2.00	588.45
New Providence,	4	3	241	92	10	2.06	60.00
Livingston,	5	5	332	153	6	2.00	76.68
	69	59	5014	2089	9	\$2.05	1595.97
<b>PASSAIC.</b>							
Acquackanonk,	6	6	544	174	9	\$1.92	\$138.35
Pompton,	6	6	386	120	9	1.92	209.00
	12	12	932	294	9	\$1.92	\$347.35

Counties and townships  
from which returns  
have been received.

### MORRIS.

	Whole number of districts and parts of districts in the township.	Number of districts from which returns have been received.	Number of children between the ages of 5 and 16, residing therein, as stated in said returns.	Number of children taught during the year, as stated in said returns.	Average number of months in year the schools have been kept open.	Average price of tuition per quarter, for each scholar.	Amount of money received from township collectors.
Pequannock,	22	17	1475	673	11	\$1.71	\$969.88
Jefferson,	7	4	344	250	6	1.58	103.00
Morris,	16	14	1066	673	8	1.62	1574.41
Hanover,	17	17	1125	935	11	1.58	900.00
Mendham,	7	7	355	331	9	1.79	482.65
Roxbury,	16	15	623	449	8	1.67	584.78
Washington,	15	14	751	317	9	2.00	1097.60
Chester,	8	8	422	275	6	1.91	236.54
Chatham,	9	9	613	403	10	1.75	521.05

117	105	6774	4306	9	\$1.73	6469.91
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### SUSSEX.

Byram,	6	6	300	229	7	\$1.67	\$258.00
Sandyston,	8	7	338	269	7	1.86	66.15
Montague,	7	6	303	269	6	1.30	194.38
Frankford,	15	10	662	250	8	2.12	532.91
Newton,	18	17	1081	820	9	2.26	732.18
Hardyston,	14	13	722	500	9	1.83	860.34

68	59	3406	2337	8	\$1.84	2642.96
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### WARREN.

Hardwick,	9	7	626	270	6	\$2.08	\$388.24
Oxford,	18	14	1293	667	7	2.24	305.16
Greenwich,	22	21	1362	1074	11	2.21	953.40
Independence,	8	7	525	198	10	2.00	358.72
Mansfield,	15	15	1088	412	8	2.00	1431.67
Franklin,	6	6	438	197	8	2.11	279.00

78	70	5332	2818	8	\$2.11	3711.19
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### MIDDLESEX.

Woodbridge,	18	17	1330	685	10	\$2.34	\$957.86
South Amboy,	9	8	487	175	6	2.00	401.62
Monroe,	10	10	706	257	7	2.04	861.33
South Brunswick,	13	11	671	371	7	2.12	725.44
Piscataway,	12	12	756	409	9	2.04	1004.85
Perth Amboy,	1	1	203	132	8	1.40	621.42

63	59	4153	2029	8	\$1.99	4572.52
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Counties & townships from which returns have been received.	Whole number of districts and parts of districts in the township.	Number of districts from which re- turns have been received.	Number of children between the a- ges of five and sixteen residing there- in, as stated in said returns.	Number of children taught during the year, as stated in said returns.	Average number of months in year the schools have been kept open.	Average price of tuition per quarter, for each scholar.	Amount of money received from township collectors.
<b>SOMERSET,</b>							
Bernards,	11	11	554	297	9	\$2.00	\$655.10
Franklin,	15	15	869	498	10	2.20	312.04
Hillsborough,	12	12	830	309	10	1.88	369.35
Montgomery,	9	9	426	293	11	2.05	589.83
	47	47	2679	1397	10	2.08	\$1926.32
<b>HUNTERDON,</b>							
Alexandria,	17	17	957	351	7	\$2.00	\$548.03
Bethlehem,	15	15	601	341	6	2.00	370.55
Lebanon,	17	14	1016	498	7	1.91	342.00
Amwell,	15	14	689	414	8	2.29	619.24
Readington,	12	9	605	515	10	2.00	528.18
Hopewell & Marion	12	12	797	325	10	2.05	241.37
Raritan,	16	16	659	402	8	2.33	473.93
Delaware,	13	6	571	142	7	2.00	461.70
	117	103	5895	2988	8	\$2.07	\$3585.00
<b>MERCER,</b>							
East Windsor,	9	9	609	340	9	1.94	\$173.23
Nottingham,	8	8	1165	422	9	2.03	351.00
West Windsor,	10	10	382	250	9	2.00	157.08
Princeton,	5	5	581	222	7	1.90	561.67
Ewing,	4	4	274	68	9	2.06	112.35
	36	36	2961	1302	9	\$1.99	\$1335.33
<b>MONMOUTH,</b>							
Upper Freehold,	7	6	1387	748	9	\$2.04	\$1289.91
Middletown,	17	16	1620	587	10	2.43	453.32
Shrewsbury,	14	13	1523	374	9	2.14	408.34
Freehold,	30	23	1748	879	7	2.07	1297.12
Howell,	16	9	1459	264	7	2.00	627.47
Dover,	11	4	757	169	5	2.23	717.46
	95	71	8494	3021	8	\$2.15	\$4793.52

Counties and townships from which returns have been received.

### BURLINGTON.

Springfield,	7	6	475	370	11	\$2.54	\$708.70
Northampton,	21	21	1715	1414	8	2.54	1519.62
New Hanover,	7	7	628	628	11	2.36	293.88
Evesham,	22	13	1325	904	8	2.28	1046.75

### GLOUCESTER.

Franklin,	11	11	611	325	5	\$2.17	\$303.58
Woolwich,	14	13	967	813	6	2.50	364.02
Washington,	7	5	287	140	4	2.35	194.40
Waterford,	10	6	938	362	5	2.58	790.51
Greenwich,	11	9	862	582	7	2.22	324.18
Camden,	2	2	603	331	3	.51	337.06
Newton,	3	3	434	279	10	2.75	416.76
Deptford,	9	8	683	312	5	2.14	293.26
Gloucester,	9	5	634	217	8	2.31	181.81

76	62	6019	3361	5	\$2.17	\$3207.49
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### SALEM.

L. Alloways Creek,	6	5	388	162	5	\$2.00	\$267.12
Salem,	2	2	435	270	3	1.53	556.71
U. Penn's Neck,	8	8	528	517	7	2.00	710.23

16	16	1351	949	5	\$1.84	\$1534.06
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### CUMBERLAND.

Hopewell,	8	8	572	306	8	\$2.09	\$571.00
Stoe Creek,	5	5	214	182	8	2.00	81.81
Millville,	6	6	448	268	3	2.25	332.00
Fairfield,	4	4	562	319	3	2.00	164.42
Deerfield,	4	4	723	434	3	1.47	723.00

27	27	2519	1509	5	\$1.96	\$1872.23
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### CAPE MAY.

Middle Township	6	5	443	285	2	\$1.43	\$473.35
Upper Township	6	5	409	263	2	1.24	245.76

12	10	852	548	2	\$1.38	\$719.11
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## STATEMENT B.

*Summary of the preceding abstract, made from the returns of Common Schools, in the year 1839.*

COUNTIES.	Number of townships in each county.	Whole number of districts and parts of districts in the townships which have made returns.	Number of districts from which returns have been received.	Number of children between the ages of 5 and 16, residing therein, as stated in said returns.	Number of children taught during the year, as stated in said returns.	Average number of months in year the schools have been kept open.	Average price of tuition per quarter, for each scholar.	Amount of money received from township collectors.
Bergen,	8	52	52	3,687	1,690	11	\$2.02	\$1,436.41
Essex,	12	69	59	5,014	2,089	9	2.05	1,595.97
Passaic,	5	12	12	932	294	9	1.92	347.35
Morris,	10	117	105	6,774	4,306	9	1.73	6,469.91
Sussex,	11	68	59	3,406	2,337	8	1.84	2,643.96
Warren,	7	78	70	5,332	2,818	8	2.11	3,711.19
Middlesex,	7	63	59	4,153	2,029	8	1.99	4,572.52
Somerset,	7	47	47	2,679	1,397	10	2.03	1,926.32
Hunterdon,	10	117	103	5,895	2,988	8	2.07	3,585.00
Mercer,	8	36	36	2,961	1,302	9	1.99	1,355.33
Monmouth,	7	95	71	8,494	3,021	8	2.15	4,793.52
Burlington,	11	57	47	4,143	3,316	10	2.43	3,568.95
Gloucester,	10	76	62	6,019	3,361	5	2.17	3,207.49
Salem,	9	16	16	1,351	949	5	1.84	1,534.06
Cumberland,	8	27	27	2,509	1,509	5	1.96	1,872.23
Cape May,	4	12	10	852	548	2	1.33	719.11
	134	942	835	64,411	33,954	8	\$1.98	43,339.32

## STATEMENT C.

Bergen,	-	-	-	-	-	1,615 50
Essex,	-	-	-	-	-	2,664 00
Passaic,	-	-	-	-	-	768 00
Morris,	-	-	-	-	-	2,352 00
Sussex,	-	-	-	-	-	1,518 75
Warren,	-	-	-	-	-	1,638 75
Hunterdon,	-	-	-	-	-	2,326 50
Somerset,	-	-	-	-	-	1,882 50
Middlesex,	-	-	-	-	-	2,049 75
Monmouth,	-	-	-	-	-	2,792 25
Burlington,	-	-	-	-	-	2,864 25
Cumberland,	-	-	-	-	-	1,189 50
Gloucester,	-	-	-	-	-	2,184 75
Salem,	-	-	-	-	-	1,617 00
Cape May,	-	-	-	-	-	484 50
Atlantic,	-	-	-	-	-	349 50
Mercer,	-	-	-	-	-	1,500 00
						<hr/>
						\$30,000.00

## STATEMENT D.

**The School District Library.**

*Selected by a committee, under the direction of the superintendent of common schools of the state of New-York. It consists of fifty volumes, and may be purchased of the Messrs. Harper, of New-York, for twenty dollars, including a neat book-case.*

- 1, 2—A Life of Washington, in 2 vols., with engravings. By J. K. Paulding, esq.
- 3—The Poor Rich Man, and the Rich Poor Man. By Miss Sedgwick.
- 4, 5—The Natural History of Insects, in 2 vols., with engravings.
- 6, 7—A History of the United States in 2 vols. By Hon. S. Hale.
- 8—American Revolution, with engravings. By B. B. Thatcher, Esq.
- 9—The Principles of Physiology applied to the preservation of health, and the improvement of Physical and Mental Education. By Andrew Combe, M. D.
- 10, 11—Indian Traits ; being sketches of the manners, customs, and character of the North American natives, in 2 vols., with engravings. By B. B. Thatcher, esq.
- 13—A Popular Guide to the observation of Nature ; or hints to the inducement to the study of Natural Productions and Appearances, in their connections and relations, with engravings. By Robert Mudie.
- 14—Inquiries concerning the Intellectual Powers, and the investigation of Truth. By John Abercrombie.
- 15—Celestial Scenery ; or the Wonders of the Planetary System Displayed, illustrating the perfections of the Deity and the plurality of worlds, with engravings. By T. Dick, L. L. D.
- 16—Palestine ; or the Holy Land, from the earliest period to the present time, with engravings. By the Rev. M. Russell, L. L. D.
- 17—Live and Let Live. By Miss Sedgwick.
- 18, 19—The Chinese. A general description of the empire of China and its inhabitants, with engravings. By John Francis Davis, F. R. S.
- 20—On the Improvement of Society by the Diffusion of Knowledge. By Thomas Dick, L. L. D.
- 21—The Earth ; its physical condition, and most remarkable phenomena, with engravings. By W. Mullinger Higgens.

- 22—The Philosophy of the Moral Feelings. By John Abercrombie, M. D., F. R. S.
- 23, 24—Memoirs of celebrated Female Sovereigns, in 2 vols. By Mrs. Jameson.
- 25—Natural, or Tools and Trades among Inferior Animals, with engravings. By Uncle Philip.
- 26—Animal Mechanism and Physiology. By John H. Griscom, M. D.
- 27—The Farmer's Instructor ; consisting of essays, practical directions, and hints for the management of the farm, garden, &c. By the Hon. Judge Buel.
- 28—History of Quadrupeds. Illustrated by numerous engravings.
- 29—Natural History of Birds ; their architecture, habits, &c.
- 30—Popular Illustrations of Mechanics, with engravings. By Professor Mosely and Renwick.
- 31, 32—Life and Works of Dr. Franklin, new edition, in 2 vols.
- 33—Natural Philosophy familiarly explained and illustrated, with engravings. By James Renwick, LL. D.
- 34—Chaptal's Chymistry, applied to Agriculture. A new translation, with valuable selections from Sir Humphry Davy and others.
- 35, 36—The Spectator, by Addison and other writers ; being a selection of its most interesting papers, in 2 vols.
- 37, 38—Paley's Natural Theology illustrated, with explanatory notes, &c., in 2 vols. By Alonzo Potter, D. D.
- 39—A Popular Treatise on Geology and Mineralogy. By Charles A. Lee, A. M., M. D., author of Human Physiology.
- 40, 41, 42, 43, 44—Plutarch's Lives, translated from the original Greek, with notes critical and historical, and a life of Plutarch in 5 vols.
- 45, 46, 47—History of Modern Europe, by William Russell, LL. D.; and a continuation of the history to the present time, by William Jones, Esq., in 3 vols.
- 48—Lives and Voyages of Early Navigators, with portraits.
- 49—Lectures on General Literature, Poetry, &c. By James Montgomery.
- 50—History of Chivalry and the Crusades, with engravings. By G. P. R. James.

## STATEMENT E.

[Since the foregoing report was presented to the legislature, the following statement has been received, showing the condition of the public schools of the city of Newark, for the year ending April 1, 1839:]

*An abstract of the condition of the Public Schools of the city of Newark, for the year ending April 1, 1839.*

SCHOOLS.	Location of Schools.	Number of Schools.	Number of teachers.	Number of Scholars on the roll.	Average number in attendance.	Number of orphans.
Public High School for Boys,	Bank-st.	1	1	91	75	11
Primary School, { Male Department,	Orange-st.	1	1	86	70	12
No. 1, { Female Department,	Orange-st.	1	1	81	61	8
Primary School, { Male Department,	Bank-st.	1	1	143	92	19
No. 2, { Female Department,	Harrison-st.	1	2	130	75	20
in connection with Female Union School,						
Primary School, { Male Department,	Market-st.	1	1	96	70	14
No. 3, { Female Department,	Near Depot,	1	1	94	73	10
Primary School, { Male Department,	Franklin-st.	1	1	140	102	17
No. 4, { Female Department,	Franklin-st.	1	1	106	77	12
Infant School in North Ward,	James-st.	1	2	104	80	19
Infant School in the Academy,	Broad-st.	1	2	80	58	14
Male African School,	Academy-st.	1	1	68	39	
Female African School,	Plane-st.	1	1	50	30	
		13	16	1269	902	156

These schools are in successful operation, and have required for their support during the past year a sum varying very little from \$1250 per quarter. It has been ascertained that there is a great deficiency in school books and school apparatus, and the committee would have deemed it their imperative duty to ask of the city authorities a larger appropriation for the respective quarters in the ensuing year, if the pecuniary liabilities of the city were less onerous.

Which was read and ordered to lie on the table.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Council went into a Court of Appeals, and after some time spent therein Council came to order.

The bill from the House of Assembly entitled

“An act to authorize the Mayor and Common Council of the city of Newark to borrow money,”

Was read a second time, and considered by sections; whilst the same was under consideration, a motion was made to postpone said bill, on which the yeas and nays being required to be entered on the Journal stood as follows :

**Yeas.**

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Miller,  
Haines,  
Kennedy.—7.

**Nays.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Corson,  
Barber,  
Board,  
McChesney.—9.

So it was determined in the negative:

Ordered, That said bill have a third reading.



The bill from the House of Assembly, entitled

“An act to authorize the sale of the old Methodist Meeting House and Lot in Mount Holly, in the county of Burlington,”

Was read a second time, considered by sections and ordered to have a third reading.

A message from the House of Assembly by Mr. Coppuck their Clerk, informed Council,

That the House of Assembly had adopted the following concurrent resolution in reference to a visit from the Blind, and have appointed Messrs. F. Richmond and Combs, on the part of the House.

To which resolution the concurrence of Council is requested.

*Resolved*, (Council concurring,) That a committee of two from the House of Assembly, and one from Council be appointed to wait upon the Managers of the Pennsylvania Institution for the instruction of the Blind, and invite them with their pupils to visit the New-Jersey Legislature at some time during the adjourned sitting, most convenient to themselves.

Ordered, that the same lie on the table.

The fifteenth rule being dispensed with the engrossed bill entitled

“An act to repeal part of the fifth section of an act, entitled an act to facilitate the administration of justice,” passed the 14th day of February, 1838.

Was read a third time and compared.

On the question, Shall this bill pass?

It was decided in the affirmative by the votes of all the members present, viz :

### Yeas.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
McChesney.—16.

Ordered, That the President sign said bill.

Ordered, That the Secretary inform the House of Assembly that Council have passed said bill, and request their concurrence.

**Mr. Armstrong from the Joint Committee to settle the State Prison accounts made the following Report :**

**Report of the Joint Committee on the State Prison accounts.**

The Joint Committee appointed to settle the accounts of the State Prison, respectfully REPORT :

That they have carefully examined the books and accounts of the prison, and the vouchers relating thereto, and find them to be correct. They have prepared, and submit herewith, several statements designed to exhibit accurately the present situation of the affairs of the prison, and also to correct a mistake, which appears to have existed in the public mind in reference to the application of the balances heretofore reported in its favor. The causes which have rendered the statement of this year less favorable than those of former years are mentioned in the report of the inspectors, to which the committee respectfully refer for further information.

The committee repeat the recommendation made by the committee of last year, that the accounts against individuals, which are of long standing and probably worth little or nothing, but which have been brought forward from year to year, and thus serve to lengthen and embarrass the accounts, should be charged to profit and loss, and that the charges against the state for labor of convicts done in the erection and repair of the new prison be stricken from the accounts. They also recommend that the inspectors or the keeper be authorized to sell such articles of furniture and such tools and fixtures as are not needed for conducting the operations of the prison. There is a considerable quantity of such articles, many of them purchased for the old prison, which are wholly useless and are depreciating in value.

All which is respectfully submitted.

Dated November 5, 1839.

A. ARMSTRONG,  
JNO. H. LAMBERT,

} Committee of  
Council.

JAMES H. ROBINSON,  
WILLIAM ROSCO,  
GARRET HERS,  
WILLIAM BLACK,  
MOSES RICHMAN, Jun.,

} Committee of  
Assembly.

**STATEMENT A.**

*Showing the earnings and expenditures on account of the Prison  
from Oct. 1, 1838, to Oct. 1, 1839.*

**Earnings from the labor of convicts :**

Weaving department,	\$3,898.98	
Cordwainers' "	2,477.88	
Chair-making "	3,352.71	
Sundry manufactures department,	166.25	
Cooperage "	14.01	
Interest,	51.03	
	<hr/>	\$9,960.86

**Expenditures, exclusive of salaries :**

Provisions,	\$5,873.53	
Clothing,	475.84	
Incidental,	950.43	
Fuel,	1,259.84	
Hospital,	105.08	
Furniture,	220.75	
	<hr/>	8,885.47

The gain in the operations of the prison is	\$1,075.39
during the past year, provided the stock on hand	<hr/>
produces its present valuation.	

**STATEMENT B.**

*A comparative view of the operations of the Prison from Oct. 1,  
-1836, to Oct. 1, 1839.*

The profits estimated from Oct. 1, '36, to Oct. 1, '37,	\$6,348.70
The profits estimated from Oct. 1, '37, to Oct. 1, '38,	7,734.23
The profits estimated from Oct. 1, '38, to Oct. 1, '39,	1,075.39
	<hr/>
	\$15,158.32

This amount of profit has been principally absorbed as follows, viz :

The amount of stock & tools Oct. 1, '86 was	£4,360.57
The amount of stock & tools Oct. 1, '87, was	8,103.58—increase £3,743.01
The amount of stock & tools Oct. 1, '88, was	15,739.19—increase 7,635.61
The amount of stock & tools Oct 1, '89, was	16,214.35—increase 475.16
	<hr/>
	£11,853.78

Add amount of losses by bad debts, viz :

Since Oct. 1, '86, on notes of individuals,	£1,305.48
Since Oct. 1, '86, on accounts of individuals,	1,415.09
	<hr/>
	2,720.57
	<hr/>
	£14,574.35

This statement shows that, notwithstanding there were apparently yearly profits to a large amount, the salaries of officers could not be paid by the prison funds.

The amount of salaries on account of the new prison since Oct. 1, '86, including the quarters ending Jan. 1, '87 and Oct. 1, '89, is	£17,631.83
The profits, as estimated during the same period, is	£15,158.32
Losses by bad debts, already ascertained, to be deducted,	2,720.57
Leaving a balance of profit for three years of and showing a loss in the operations of the prison for the same time of including salaries.	12,437.75
	<hr/>
	£5,194.08

### STATEMENT C.

*A view of the effects of the Prison, Oct. 1, 1886.*

Debts owing the prison,	£23,092.43
Stock on hand, per inventory,	4,360.57
	<hr/>
	£27,453.00

Deduct amount owing by the prison,	\$428.36	
Amount of articles destroyed by fire in old prison, November 26, '35,	1,269.31	
Amount of charges for repairs to the prison,	443.44	
	<u>          </u>	\$2,141.11
		<u>          </u>
		\$25,311.89
Add amount of profit reported Oct. 1, '37,	\$6,348.70	
Amount of profit reported Oct 1, '38,	7,734.23	
Amount of profit reported Oct. 1, '39,	1,075.39	
	<u>          </u>	15,158.32
		<u>          </u>
This is the amount of the prison effects, as appears on the balance sheet, Oct 1, '39, as per statement D,	\$40,470.21	
	<u>          </u>	

### STATEMENT D.

*Exhibiting the accounts of the Prison, as appears on the books Oct.  
1, 1839.*

Cash on hand,	\$28.31	
Bills receivable,	4,807.36	
Labor done by convicts in building the prison,	17,426.74	
Individual accounts due the prison,	6,224.21	
Charges to the state for bell and repairs to the prison,	242.99	
Tools and prison furniture,	6,763.38	
	<u>          </u>	\$35,492.99
Stock on hand, viz :		
Provisions,	\$1,036.40	
Fuel,	499.50	
Medicines in hospital department,	75.76	
Weaving account materials,	2,134.98	
Cordwainers' account materials,	519.18	
Chair-making account materials,	4,490.58	
Sundry manufactures account mate- rials,	694.57	
	<u>          </u>	9,450.97
		<u>          </u>
		\$44,943.96
Deduct amount of debts owing by the prison,	4,473.75	
	<u>          </u>	

Balance in favor of the prison, as appears by the books, including bad debts, &c., \$40,470.21

[For a more particular statement of the unavailable effects of the prison, see Statement E.]

### STATEMENT E.

*An estimate of the present condition of the Prison effects.*

Amount of bad debts, from '20 to the present time, an account of which appears in the schedule hereto annexed,	\$4,306.18
Amount charged on the books for labor done at the prison in its erection,	17,426.74
Amount charged on the books for a bell and repairs at the prison,	242.99
	<u>\$21,975.86</u>
Balance in favor of the prison, consisting of items enumerated in Statement F.	18,494.35
	<u>\$40,470.21</u>

### STATEMENT F.

*A view of the available effects of the Prison Oct. 1, 1839.*

Tools and prison furniture, inventoried at	\$6,763.38
Stock on hand, viz:	
Provisions,	\$1,036.40
Fuel,	499.50
Medicines in hospital department,	75.76
Weaving department materials,	2,134.98
Cordwainers' " " "	519.18
Chair-making " " "	4,490.58
Sundry manufactures dep. materials,	894.57

Bills receivable, considered good,	2,609.56
Individual accounts, considered good,	4,115.88
Cash on hand,	28.31

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\$16,204.72

Deduct amount of the liabilities against the prison, as appears in Statement D.,	4,473.75	11,730.97
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The balance of this statement is \$18,494.35  
and is the amount of the property belonging to  
the state in the prison, including the amount of  
tools and prison furniture at \$6763.38, as above  
stated, or, exclusive of tools and prison furniture, \$ 11,730.97

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### A LIST OF DEBTS DUE THE PRISON, AND ESTIMATED AS UNAVAILABLE, PER STATEMENT E.

John T. French,	note, dated September 30, 1820,	\$33.75
John B. Sartori,	balance on note, dated March 30, 1822,	48.16
Do.	note, dated March 30, 1822,	196.49
Do.	note, dated March 6, 1826,	77.77
John T. French,	note, dated September 30, 1826,	95.86
John Peir,	note, dated December 27, 1830,	28.33
Wilson & McPherson,	check, dated January 31, 1831,	349.30
William Vanhart,	balance on note, dated July 15, 1836,	62.66
Do.	note, dated June 15, 1837,	255.51
William M. Thorp,	note, dated July 1, 1837,	308.25
Do.	note, dated August 1, 1837,	388.22
Do.	note, dated September 1, 1837,	353.50

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\$2,197.80

#### On book account :

Thomas White,	6.00
Richard Hunt,	.12½
John Mount,	41.83½
John R. Savage,	185.82½
John T. French,	27.80½

Martin Howe,	.50
Daniel Bowman,	2.50
Gabriel Allen,	1.50
Richard Jaques,	5.12½
Isaac Pearson,	8.62½
F. C. & T. Plummer,	47.53
John E. Smith,	9.20½
John B. Sartori,	25.65
Lucius H. Stockton,	3.50
William Costner,	8.63
William West, deceased,	.87
Mrs. Harvey, " "	6.37
Joseph West,	12.12
Riley Allen,	.70
Joseph Hill,	11.05
Robert Stockton,	1.00
Robert Cunningham,	23.80
Elijah Ellis,	4.80
Jane Wilson,	3.50
Stacy A. Paxson & Co.,	19.47
George W. Richards & Co.,	16.88
Abraham Woodruff,	159.14
William M. Thorp,	1,144.29
Swain & Gill,	270.80
Sundries account, personal, consisting of old scraps of debts,	58.89

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\$4,306.13

Commissioners of New-Jersey state  
prison, for convict labor,  
State of New-Jersey, for a bell and re-  
pairs to the prison,

\$17,426.74

242.99

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17,669.73

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\$21,975.86

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## INSPECTORS' REPORT.

### Report of the Board of Inspectors of the State- Prison for the year ending September 1, 1839.

*To the Honorable the Legislature of the State of New-Jersey :*

In conformity with the act of February, 1838, the board of inspectors of the State prison respectfully REPORT:

That at the commencement of the year there were in the prison 163 criminals, and that 77 have been received since, making 240. Of these 41 have been discharged upon the expiration of the terms of their sentences, 37 have been pardoned by the governor and council, and 2 have died, amounting altogether to 80, and leaving in confinement on the 30th of September 160. Of these 93 are white males, 59 coloured males, 1 white female, and 7 coloured females. When they were received at the prison, 21 were between 10 and 20 years old, 69 between 20 and 30, 39 between 30 and 40, 20 between 40 and 50, 9 between 50 and 60, and 2 between 60 and 70.

Ninety-seven are natives of New Jersey, 10 of Pennsylvania, 3 of Delaware, 6 of Maryland, 1 of Michigan, 1 of Massachusetts, 1 of Vermont, 1 of Connecticut, 17 of New York, 1 of Lower Canada, 1 of Upper Canada, 1 of Indiana, 9 of England, 8 of Ireland, 2 of Scotland, and 1 of Germany. Two were received in the year 1830, three in 1831, two in 1832, six in 1833, two in 1834, nine in 1835, three in 1836, twenty-five in 1837, fifty-three in 1838, and fifty-five in 1839. Forty-one were committed for the crime of burglary, 27 for larceny, 11 for misdemeanors, 15 for grand larceny, 2 for assault and battery, 1 for assault and battery with intent to commit a rape, 2 for rape, 11 for burning, 4 for forgery, 8 for atrocious assault and battery, 2 for assault and battery with intent to kill, 2 for assault with intent to rob, 1 for assault with an attempt to commit a rape, 1 for an atrocious assault and battery with intent to commit a rape, 1 for polygamy, 1 for sodomy, 3 for high misdemeanors, 6 for passing counterfeit bills, 2 for breaking jail, 1 for receiving stolen goods, 6 for horse stealing, 5 for manslaughter, 1 for selling counterfeit bills, 1 for an atrocious assault and battery with intent to kill, 3 for robbery, and 1 for murder in the second degree.

Four were sentenced for 6 months, six for 1 year, two for 1 year and 1 day, three for 1 year and six months, thirty-four for 2 years, four for 2 years and six months, twenty for 3 years, one for 3 years 6 months and 2 days, eighteen for 4 years,

twenty-eight for five years, six for 6 years, one for 6 years and 9 months, eight for 7 years, two for 8 years, one for nine years, eleven for 10 years, one for 10 years and 2 days, three for 12 years, three for 15 years, two for 20 years, one for 24 years, and 1 for life. 132 were committed for the first offence, 23 for the second, 2 for the third, 2 for the fourth, and 1 for the fifth. 32 were sent from the county of Essex, 12 from Bergen, 4 from Sussex, 15 from Morris, 2 from Warren, 1 from Somerset, 15 from Middlesex, 13 from Monmouth, 5 from Hunterdon, 13 from Burlington, 10 from Gloucester, 9 from Salem, 1 from Cape May, 12 from Passaic, 2 from Atlantic, 2 from Cumberland, 9 from Mercer, and 3 from the borough of Elizabeth.

The only disease which has proved mortal during the year is the consumption, by which two prisoners have died. One of these deaths occurred near the beginning of the year, and was included in the physician's report of last year, whereby a discrepancy appears between the physician's and the inspectors' reports for both this year and the last.

For the names of those who have been pardoned and discharged, and all other statistical information required by law and not included in the foregoing part of this report, the board begs leave to refer your honorable bodies to the schedule hereunto annexed. They would at the same time suggest for your consideration the question, whether it is not unnecessary to print this schedule together with this report, whereby the records of the infamy of those whose names are mentioned will be multiplied and widely disseminated in the community, to the great mortification and discouragement of those among them who may desire to lead hereafter a virtuous life and gain an honest reputation.

The earnings of the prison during the past year have been sufficient, as appears from keeper's report hereunto annexed, to meet expenses, exclusive of the salaries of the officers, which, by a statutory provision, are drawn from the state treasury, and do not enter into the accounts of the institution.— There has, also, been an increase in the furniture, stock, and available funds of the prison of \$1075.39. Last year there was a similar increase in the stock, &c., but much greater in amount, being \$7734.23. Thus there is this year a falling off of \$6658.84. This is caused, in some degree, from an increase in the expenditures (for an explanation of which see keeper's report,) of \$1263 for provisions, \$137.42 for fuel, and \$199.19 for furniture, the aggregate of which is \$1599.61, but it is principally to be attributed to the diminution of the earnings of the prisoners in two departments. In the chairmaking account there

is a diminution of \$4116.37; and in the account of miscellaneous labor, technically called the sundries account, a further falling-off of \$1648.21, amounting in the whole to \$5764.58. The diminution in the chair account arises from three causes. 1st. For six months of the last year the chair-makers were employed by a contractor, at fifty cents a day, a sum which the prison has not been able to realize upon their labour since the failure of that contractor. 2nd. The account of the earnings of the chair-makers was last year swelled, apparently by the profit made by the prison in purchasing the tools and steam machinery of the contractor at a very low price, at sheriff's sale. 3rd. The stock on hand at the close of the last year was valued in the inventory at the prices at which it had been previously sold; but on account of the depression of the market these prices could not be obtained this year. Chair-seats were sold for much less, and a corresponding loss was thrown, apparently, upon the operations of this year.

The miscellaneous labour of the prisoners, or the sundries account, embraced all the work done by convicts upon the new prison. For this work, in pursuance of the law, the institution received a credit of 75 cents a day for each convict, amounting in the aggregate to a large sum. This source is now almost entirely cut off; the item of miscellaneous labor is reduced almost to nothing, and the convicts who were engaged in it, and who were unfit to be employed in the other departments of labour, are returned upon the institution unable to earn more than the most scanty wages.

The board has experienced during the year no diminution of confidence in the system of solitary confinement. Another year has developed, perhaps, more fully the peculiar effects of this system upon the minds and health of the prisoners, and the board are satisfied that it has, to some degree, an impairing influence upon both. Indirectly, too, the system exerts a deleterious influence upon both mind and body through the medium of the practice of onanism, a vice ascribable to solitary confinement, and which prevails among the convicts to a very considerable extent.

Yet we are fully satisfied that by preventing the contaminating influence of evil communications, the solitary system is far superior to the former mode of imprisonment. This prison is not a school of vice. The novice in crime gains here no instruction from hardened villains in the mysterious arts of wickedness. The accomplished rogue has here no opportunity to boast of his former crimes to admiring and applauding listeners, or to take counsel with his associate rogues for future and more cunning or bolder assaults upon the peace of the commu-

nity ; the only influence felt by those immured in these cells is a virtuous influence, and they cannot possibly come out from these walls more wicked than they entered them.

But we would go farther. From observations upon the conduct and conversation of a prisoner in his cell, however penitent or reformed he may profess to be, it is very difficult to decide how sincere that repentance is, or how lasting that reformation will prove, after he goes out again to try it in the world. It is an easy thing, comparatively, to be virtuous here, and he who undertakes it will find all things in his favor. Temptations beset him rarely, and the particular temptation by falling into which he was brought here will probably never occur to him. He has, therefore, little schooling in the necessary art of resisting temptations, and it may be that when they are presented to him after he goes out into the world his virtuous principles, like a hot-bed plant, will wither at the touch. But, with all these melancholy misgivings, we do suppose that vicious habits are here broken up, and vicious propensities grow weak for want of exercise. Virtue is constantly presented in her own beautiful garb, and virtuous impressions are made upon the mind. Obstinate, indeed, and intractable are the dispositions with which we have to do, but reason and experience both authorize us to hope that of the apparent reformations so often wrought here, some, when tested hereafter, will prove to have been real.

In this connection the board would acknowledge the obligations they so sensibly feel to the clergy of Trenton, who without intermission as without remuneration, have labored for the moral and religious instruction of the convicts. We believe that such instruction is as necessary to the attainment of the great objects of the institution as any one thing can be; and if provision were made to bring mild, moral, and religious suasion to bear oftener upon the sour and irritated minds of these convicts, unhappy in the consciousness of their guilt, we venture to hope that happy results would follow.

For further information, as to the influence of solitary confinement, we beg leave to refer your honorable bodies to the report of the physician, hereunto annexed.

The board have not found it necessary to adopt any other rules for the regulation of the prison than those previously reported to you.

All which is respectfully submitted.

By order of the board of inspectors.

JAMES T. SHERMAN, *Secretary.*

New-Jersey Prison, November 4, 1840.

## PHYSICIAN'S REPORT.

Gentlemen of the Board of Inspectors :

The report of this year, if it merely embraced the number of sick and the deaths would be very brief. An unusual degree of health, with but few aggravated cases of disease, and but one death, would be all that I would be able to lay before you. But, gentlemen, this is not all that is expected from an office that gives such opportunities to investigate some of the effects of solitary confinement. The physician stands in a position to observe the influence of a mode of punishment which is yet but an experiment, and which gives him means to analyze the results of solitary confinement in some of its most important bearings.

In the last report it was stated that there was a tendency among the convicts to glandular obstructions; that sun-light and air were indispensable to their health; that *post mortem* examinations had revealed a condition of the organs corroborative of the effects that might have been anticipated; and further, that every year of a prisoner's confinement in the cells would show a decline of his physical powers. The experience of the year now ended has confirmed what was then reported, as well as what was anticipated. In this region, the past year has been one of the most unprecedented health, and no disease has prevailed within the prison that may not be expected during the most favoured seasons. It has been the best opportunity to observe the sole influence of solitary confinement upon the health of the prisoners. The enervating influence that has been felt during the time is what will ever be experienced; it is a part of the punishment that attaches to it, and ought to be considered in the term of sentence.

There are some among the convicts who came from the old prison. While there they were in strong health, and for the first two years in this penitentiary complained but little; now they have become debilitated; are languid, and exhibit decided symptoms of a decline of their physical powers. Some pains have been taken to inquire into these changes, and from the information of the prisoners themselves, as well as from their visible condition, it is conclusive that confinement in cells is not as conducive to health as that imprisonment which admits more air and sun-light to the convict.

Another subject for observation, and which has not usually been assigned to the physician, is the intellectual state of the prisoners. This properly falls within his province. When the mind becomes sensibly disordered he is called upon to restore the wandering faculties, and in every stage of obvious mental aberration, from the vacant stare of the idiot to the phrensy of the maniac, his science is looked to for aid. It is not to these extreme cases, points conspicuous by their deformity, that medical observation ought to be confined. It is the forming stage, the first weakening of those powers which hold the mind in a state of sanity that he must detect. He must, from the derangement of the bodily organs, notice the encroachments of mental disease, and gather from appearances that are unnoticed by others his prognostics. In the prison he will see minds that, subject to the common perceptions of out-of-door life would be as astute as others, indulge in the amusements of the child, wasting their time after their daily task is over upon toys; from all that can be perceived, engaged in no thought that is not immediately associated with the things around them; incapable of abstract reflection, or, if showing any evidences of this higher operation of the faculties, it is more the wandering of the visionary than the operation of a well-balanced mind. Thus situated with respect to the prisoners, it would be but an imperfect report of the medical attendant if he did not make known to you this, the most important part of his observations.

Among the prisoners there are many cases of insanity.—Some on their admission showed symptoms of derangement, and since then have continued in the same state. Almost all the cases that have occurred in the prison can be traced to onanism. Among the prisoners there are many who exhibit a child-like simplicity, which shows them to be less acute than when they entered. In all who have been more than a year in prison, some of these effects have been observed. Continue the confinement for a longer time, and give them no other exercise of the mental faculties than this kind of imprisonment affords, and the most accomplished rogue will lose his capacity for depredating with success upon the community. The same influence that injures the other organs will soften the brain. Withhold its proper exercise, and as surely as the bandaged limb loses its power will the prisoner's faculties be weakened by solitary confinement. And here it may not be improper to hint at the treatment that ought to be extended to the prisoners. Now they are managed under the most favorable circumstances the nature of their confinement admits. Every privilege the law allows is given them. Kind usage, religious and moral in-

struction, every thing that is calculated to exercise their minds in the way of reformation and improvement, is practised or imparted to them. If their minds be weakened by confinement, the sentiments most exercised under the present discipline, and which will be most likely to remain with them when they depart from the prison, are of a character that will tend to make them better citizens. Were another course pursued in this institution, and the superintendent possessed of no sympathy for the convict nor desire for his reformation, feeling satisfied if he tasked him to the full amount of his ability to labor and gave him food at the appointed times, in less than a year the New-Jersey penitentiary would be a bedlam.

The practice alluded to in the last report, and which seems to be an evil hard to prevent, is, perhaps, not so general as it was at that time. Every opportunity has been taken to warn the convicts against the evils of onanism. The keeper has lectured to them in the hall, on proper occasions, and, by presenting the effects of this vice in strong colors, has done something towards a reformation. The derangements and deaths that have resulted from the practice have become a warning to many, and caused a partial relinquishment of the habit. As may be expected where so many are confined there is still much of this solitary vice.

There is a portion of the year, a few weeks before the furnaces for warming the cells are in operation, that bears hard upon the prisoners. Catarrhs, some cases of pleurisy, and such complaints as a damp chilly air engenders, are prevalent at that time. The only death that has occurred since the last report was hastened on, if not occasioned by this circumstance. The patient had a cough when he entered the prison. The immediate cause of his death was a violent inflammation of the lungs, that might have been treated with better success had he been in a warmer apartment. The propriety of having the cells warmed much sooner in the season, and better warmed during the winter, is presented for your consideration.

The opinion expressed in the last report, that the cells, on the north exposure of the ranges were the least healthy, has been strengthened by this year's observation. So plain is the difference, that it has become the practice to remove sick persons to the south side for the benefit of the greater degree of sunlight that is received into them.

There are generally from ten to twenty on the sick list. Some of them are predisposed to consumption, and two or three have the disease in its confirmed state, and will die in prison unless they are pardoned out. Of all the cases that occur, those disposed to consumption are the most unmanageable in

**solitary confinement.** The greater number of cases on the list are those forms of debility that depend on glandular obstructions, and seem peculiar to prisons. They do not threaten immediate death, but rather a gradual destruction of health. The cases of mental disease and onanism have already been referred to; in a word, the convicts generally are as healthy as under the most favorable circumstances we might expect to find persons in their situation.

These observations, gentlemen, have been made with no predilection for any kind of prison discipline. If there be more disease in solitary confinement, it is of a peculiar character, slow in its work upon the system and important in its effects upon the mind. It is for others to determine whether the old discipline, hardening the vicious in their crimes while it preserves the body in its full vigor, so that at the expiration of the sentence the convict may go forth a more accomplished rogue than he entered the prison, is to be preferred to another, which, while it subdues the evil passions, almost paralyzing them for want of exercise, leaves the individual, if still a rogue, one who may be easily detected.

Your obedient servant,

**JAMES B. COLEMAN.**



## KEEPER'S REPORT.

### Report of the Keeper of the New-Jersey Penitentiary, to the Board of Inspectors.

To the Board of Inspectors of the New-Jersey State Prison:

The keeper respectfully reports—That

The whole amount of earnings during the year is	\$9960.86
and that the expense, exclusive of the salaries, is	8885.47

leaving a balance in favor of the prison, for the present year, of	
being the amount over and above the expense of keeping the prisoners, for the year ending 30th September, 1839, exclusive of salaries.	\$1075.39

If to take into the account the amount drawn from the treasury (which is not chargeable to our accounts) for the salaries of officers, which is	
	6659.55

it would leave a balance against the prison of	
	\$5584.16

The amount of transportation for the present year is	\$1255.25
and that of the taxed bills of costs	4392.86
as appears on the prison book of record.	

There were in confinement on 1st October, 1838, 163 convicts. Since that period we have received 77, making together 240, and discharged during the same period, by pardon from the governor and council 37, by expiration of sentence 41, and by death 2, both of whom died with consumption, (one on the 1st October, 1838, and the other 22d December following) leaving in confinement on the 1st October, 1839, 160 prisoners, which shows a diminution of three this year.

In relation to the difference of the operations of the prison between this and the two former years, it may be accounted for in the high price of provisions, the reduced price of convict labor, a reduction on the prices of stock on hand, the increased number of men for a short time, and a number of convicts who have not earned their bread, who in the old prison could labor at something, but not having a capacity to learn a trade, such as idiots and insane, are mere paupers on the institution, together with the extreme pressure of the times and deranged state of the currency, have affected us as all other manufacturing establishments.

By the following statement it will be seen that, notwithstanding all the difficulties of the past year, the earnings of the prison are





more this year than any former one for the last fifteen years, except the years 1837 and 1838, in which years we had the particular advantage of employing the men in building and finishing the prison, and having a contract for a number of convicts, at 50 cents per day, at the chair manufacturing.

In 1825, the earnings were \$1320 49, and the expenses \$4515.83

1826,	"	1690.72,	"	2743.02
1827,	"	2074.15,	"	3200.30
1828,	"	2634 91,	"	3122.90
1829,	"	3427.98,	"	3043.52
1830,	"	4571.92,	"	6219.46
1831,	"	6084.25,	"	5266.99
1832,	"	7145.74,	"	5244.17
1833,	"	9177.01,	"	5124.39
1834,	"	9826.15,	"	4954.83
1835,	"	8769.85,	"	4764.13
1836,	"	8806.39,	"	5924.95
1837,	"	13146.73,	"	6798.03
1838,	"	15357.42,	"	7623.19
1839,	"	9961.95,	"	8901.74

In the above exhibit you will perceive that there has been an increase of labor, and a corresponding increase of expense. We have done considerable work on the building during this year by convicts, for which no charge is made in our accounts since the closing of the commissioners' account.

When labor shall be in demand, and we can get contracts at fair prices, we believe the prison will be able to pay all its expenses; but we find ourselves subject to the fluctuations of business as well as all other manufacturing establishments.

In regard to the moral state of the prisoners, we have only to say, that every means in our power have been used for their benefit. The clergy of the different denominations in Trenton have attended alternately, and almost every Sabbath during the year we have had preaching; and in addition to this the convicts have the bible and religious books to read. As it respects their health, you are referred to the physician's report.

In reference to the heating pipes, I have found them to be too small to give sufficient heat in the coldest weather in winter, although I have made every effort to increase the heat by alterations that seemed probable to effect the same; and I would suggest that an examination be made of the heating apparatus, as I have not fixed our heating apparatus for the winter, believing some alterations ought to be made.

All of which is respectfully submitted.

JOSEPH A. YARD, *Keeper.*

September 30, 1839.

Which with the accompanying Reports of the Inspectors,  
Physicians and Keeper of the State Prison,  
Was read, and ordered to lie on the table.

Council adjourned to ten o'clock to-morrow morning.



WEDNESDAY, November 6, 1839.

*At ten o'clock Council met.*

A message from the House of Assembly by Mr. Coppuck  
their Clerk, informed Council

That the House of Assembly are now ready to go into Joint  
Meeting for the appointment of such State and county officers  
as may be deemed expedient, and request Council to appoint  
the time and place.

Also, That the House of Assembly have adopted the accom-  
panying concurrent resolution in reference to the bad debts of  
the State Prison, and request the assent of Council to the same.

Which message was read, and ordered to lie on the table.

Council went into a Court of Appeals, and after some time  
spent therein Council came to order.

Mr. Barber presented a petition from Daniel Elmer, admin-  
istrator of David Compton, dec'd, and others, for authority to  
sell real estate.

Which was read, and

Referred to the Committee on the Judiciary.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Irick presented the following:

**Resolved**, That the Secretary inform the House of Assembly that Council will be ready to go into Joint Meeting, for the appointment of such State and County officers as may be deemed necessary, to-morrow morning at ten o'clock, in the Assembly Room.

Which was read and agreed to.

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

A message from the House of Assembly by Mr. Coppuck their Clerk, informed Council,

That the House of Assembly had passed a bill, entitled  
 "An act for the support of the Government of this State."  
 To which bill the concurrence of Council is requested.

The bill from the House of Assembly entitled  
 "An act for the support of the Government of this State,"

Was read, and

Ordered to have a second reading.

Council went into a Court of Pardons, and after some time spent therein,

Council came to order, and adjourned to ten o'clock to-morrow morning.

**THURSDAY, November 7, 1839.**

*At ten o'clock Council met.*

Mr. Haines from the committee on the Judiciary to whom had been referred the bill from the House of Assembly, entitled "An act authorizing the sale of certain Real Estate of John Smith, deceased,"

Reported the same with sundry amendments.

Which were read, and ordered to have a second reading.

The bill from the House of Assembly entitled

"An act to authorize the sale of the old Methodist Meeting House and Lot in Mount Holly, in the county of Burlington,"  
Was read a third time.

On the question, Shall this bill pass?

It was decided in the affirmative by the votes of all the members present, viz:

**Yeas.**

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
McChesney.—16.

Ordered, That the President sign said bill.

Ordered, That the Secretary inform the House of Assembly that Council have passed said bill,

Without amendment.

A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly had passed a bill entitled

"An act for the support of the Government of this State."

To which bill the assent of Council is requested. And

That the House of Assembly had completed their list of Nominations and furnished Council with a copy of the same.

Also, That the House of Assembly had passed a bill entitled

"An act to defray Incidental Charges."

To which bill the assent of Council is requested.

The bill from the House of Assembly, entitled

"An act to defray Incidental Charges,"

Was read, and

Ordered to have a second reading.

The bill from the House of Assembly, entitled

"An act for the support of the Government of this State,"

Was read, and

Ordered to have a second reading.

A message from the House of Assembly, by Mr. Coppuck, their Clerk, informed Council

That the House of Assembly are now ready to go into Joint Meeting.

Whereupon Council withdrew to attend Joint Meeting, in the Assembly Room; and after some time spent therein, Council returned and came to order.

Mr. Miller offered the following :

*Resolved*, That the Inspectors of the State Prison be and they are hereby requested to make out a statement of the names and number of the Assistant and Deputy Keepers employed the past year, in the said prison, and the salary or compensation paid to each of them ; and also in what purpose or business the said Assistant and Deputy Keepers are employed, respectively— and also that the said Inspectors state how many Assistant or Deputy Keepers are necessary, in their opinion, to conduct the affairs of the said prison : and report the same to Council on the second Tuesday of January next.

Which was read, and agreed to.

The bill from the House of Assembly, entitled

"An act to authorize the Mayor and Common Council of the city of Newark to borrow money,"



Was read a third time.

On the question, Shall this bill pass ?

It was determined in the affirmative, as follows, viz.

### Yeas.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney.—9.

### Nays.

Messrs. Price,  
Oliphant,  
Irick,

Messrs. Lambert,  
Snyder,  
Haines,  
Kennedy.—7.

Ordered, That the Vice President sign said bill.

Ordered, That the Secretary inform the House of Assembly that Council have passed said bill,  
Without amendment.

Ordered, That five hundred copies of the State Prison Reports, except the names of the prisoners discharged, be printed for the use of Council, under the direction of the committee on that subject.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Taylor offered the following :

*Resolved*, That the Secretary furnish Council with all the necessary Stationery on the most advantageous terms as regards quality and price.

Which was read, and ordered to lie on the table.

Mr. Haines offered the following :

*Resolved*, (the House of Assembly concurring) that a joint committee of the two houses be appointed, for the purpose of enquiring into the condition of the State library, and whether any, and if any, what alteration is required in the laws relating thereto.

Which was read and agreed to, and

Messrs. Haines and Appleget appointed on the part of Council.

*Ordered*, That the Secretary inform the House of Assembly of its passage and request their concurrence.

The fifteenth rule was dispensed with, and the bill from the House of Assembly, entitled

“An act to defray Incidental charges,”

Was taken up, read a second time, and

On the question to amend it so as to pay Joseph A. Yard six hundred dollars, for his services in superintending work done in finishing the new prison,

The yeas and nays being required to be entered on the Journal, stood as follows :

### Yeas.

Messrs. Price,  
Appleget,  
Oliphant,  
Porter, (V. P.)  
Lambert,

Messrs. Board,  
Barber,  
Haines,  
Snyder,  
McChesney.—10.

### Nays.

Messrs. Armstrong,  
Taylor,

Messrs. Irick,  
Corson,  
Miller.—5.

So it was determined in the affirmative.

*Ordered*, said bill have a third reading, as amended.

The Vice President laid before Council the Bond of the Treasurer; which was approved by Council, and ordered to be certified by the Vice President.

*Ordered*, That the Secretary carry the same to the House of Assembly for their approval.

The fifteenth rule was dispensed with, and the bill from the House of Assembly entitled

"An act authorizing the sale of certain Real Estate of John Smith, deceased,"

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present.

### Yeas.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
McChesney.--16.

Ordered, That the Vice President sign said bill.

Ordered, That the Secretary inform the House of Assembly that Council have passed said bill,

With sundry amendments.

To which amendments the assent of the House of Assembly is requested.

The following concurrent resolution from the House of Assembly was taken up:

*Resolved*, (Council concurring,) that \$4,306 13, the amount of bad debts; \$17,426 74 the amount charged as labor done by the convicts in the erection and repairs of the prison, and \$242 99 charged to the state for a bell and repairs, and reported by the Joint Committee on the State Prison in their report under Statement E, and Schedule No. 1, amounting in all to \$21,975 86, be so transferred on the books of the prison as not to be brought forward in any future account, except so far as any part of the same may have been collected. Also, that in all future inventories of the prison property, a separate account be taken of the tools and prison furniture, and a distinct account be kept of the same on the books, so as not to connect those items with any of the branches of manufactory, or earnings of the convicts. And, that the inspectors of the prison be authorized to sell at their discretion all such articles contained in the inventory of the tools and furniture of the prison as they deem it for the interest of the state to dispose of.

Which was read and agreed to

The following concurrent resolution from the House of Assembly,

*Resolved*, (Council concurring,) That the State Librarian be authorized to purchase seventy-five copies of Elmer's Digest of the Laws of this State at the lowest price at which they can be obtained, and place the same in the library for the use of the members of the Legislature during its sittings.

Was taken up, amended, and agreed to.

Ordered, That the Secretary inform the House of Assembly that Council have passed the same with amendments.

To which amendments the assent of the House of Assembly is requested.

The concurrent resolution from the House of Assembly relative to a visit of the Blind pupils from the Philadelphia institution

Was read, and disagreed to.

Ordered, That the Secretary inform the House of Assembly that Council have disagreed to the same.

Mr. Miller offered the following:

*Resolved*, That so much of the Treasurers' Report as relates to the taxation of costs in criminal cases, and also so much of said report as relates to the amount of the transit duties required to be paid by the Camden and Amboy Railroad and Transportation Company, and the New-Jersey Railroad and Transportation Company to the state be referred to the committee on the Judiciary.

Which was read and agreed to.

A message from the House of Assembly by Mr. Coppuck, their clerk, informed Council that the House of Assembly had agreed to the amendments made in Council to the bill entitled

"An act to defray incidental charges,"

And have ordered the same to be re-engrossed.

And that the House of Assembly had adopted the concurrent resolution in reference to the State Library, and have appointed Messrs. Wilson, Brown, and Moore on the part of the House.

The fifteenth rule was dispensed with, and the bill from the House of Assembly entitled

"An act to authorize the sale of certain Real Estate of John Smith, deceased,"

Was read a third time, as amended.

**On the question, Shall this bill pass ?**

**It was determined in the affirmative by [the votes of all the members present, viz.**

**Yeas.**

**Messrs. Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)**

**Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
McChesney.—12.**

**Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill,**

**With sundry amendments,**

**To which amendments the assent of the House of Assembly is requested.**

**Council adjourned to half-past seven o'clock this evening.**

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*At half-past seven o'clock Council met.*

**Mr. Irick offered the following :**

**Resolved, That so much of the Treasurer's communication as relates to the safe keeping of the books, papers, and documents in the Treasury Department, be referred to a select committee.**

**Which was read and agreed to, and**

**Messrs. Irick and Price were appointed said committee.**

**The fifteenth rule was dispensed with, and**

**The bill from the House of Assembly, entitled**

**"An act for the support of the Government of this State,"**

**Was read a third time.**

On the question, Shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present, viz.

**Yeas.**

Messrs. Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
McChesney.—12.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

Without amendment.

Mr. Irick called up No. 7 of unfinished business, being a Joint Resolution providing for an Agricultural Survey of the State of New-Jersey.

Ordered, That the same be referred to the committee on Agriculture.

The engrossed bill entitled

“An act to incorporate the “York and Jersey Urate and Poudrette Company”

Was read a third time and compared,

And whilst the same was under consideration,

Council adjourned till seven o'clock to-morrow morning.

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FRIDAY, November 8, 1839.

*At seven o'clock Council met.*

A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had agreed to the amendments made by Council to the bill entitled

"An act authorizing a sale of certain Real Estate of John Smith, deceased,"

And have ordered the same to be re-engrossed.

Also, That the House of Assembly have agreed to the amendment made by Council to the concurrent resolution relative to purchasing copies of Elmers' Digest.

A second message from the House of Assembly by Mr. Coppuck their clerk, informed Council

That the House of Assembly had passed a Joint Resolution authorizing the Treasurer to borrow money to meet the demands on the Treasury during the recess of the Legislature.

Which Joint Resolution was read.

The fifteenth rule was dispensed with, and said Joint Resolution was read a second and third time.

On the question, Shall this Joint Resolution pass ?

It was determined in the affirmative by the votes of all the members present, viz.

### Yeas.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Irick,  
Porter,

Messrs. Lambert,  
Miller,  
Barber,  
Haines,  
Board,  
McChesney.—12.

Ordered, That the Vice President sign said Joint Resolution.

Ordered, That the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly are now ready to adjourn.

Ordered, That the Secretary inform the House of Assembly that Council is ready to adjourn.

The House of Assembly, preceded by their Speaker, William Stites, Esq., came into the Council Chamber and informed Council that the House of Assembly had adjourned to meet on Tuesday the 14th day of January next, at 3 o'clock in the afternoon, at the State House in Trenton.

Whereupon Council adjourned to Tuesday, the 14th day of January next, at three o'clock in the afternoon, at the State House in Trenton.

**JOURNAL OF PROCEEDINGS**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF THE  
**STATE OF NEW-JERSEY.**

---

**SECOND SITTING.**

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**TRENTON, Tuesday, January 14, 1840.**

This being the day to which Council was adjourned, a quorum of members appeared, and  
Council proceeded to business.

A message was received from the House of Assembly, by Mr. Coppuck their clerk, informing Council that the House of Assembly had met, formed a quorum and were ready to transact business.

Mr. Miller offered the following Resolution :

*Resolved*, That the Secretary inform the House of Assembly that Council have met, formed a quorum, and have proceeded to business.

Which Resolution was read, considered, and agreed to.

Mr. Price presented a petition from Mary Regina Sturgis for a divorce from her husband, John Sturgis.

Which petition was read, and  
Referred to Messrs. Price, Oliphant and McChesney.



A message was received from the House of Assembly by Mr. Coppuck their clerk, informing Council that the House of Assembly had appointed Messrs. Brown, Worth and Truex, a committee to wait on His Excellency the Governor and inform him that both Houses have met and are ready to receive any communication he may be pleased to make, and request the appointment of a corresponding committee on the part of Council.

Council appointed Messrs. Miller and Price a committee on their part to unite with the committee of the House of Assembly, to wait on His Excellency the Governor.

*Ordered,* That the Secretary inform the House of Assembly thereof.

Mr. Price presented a petition from John Newkirk, jr., for a divorce from his wife Sarah Newkirk.

Which petition was referred to Messrs. Price, Board, and Barber.

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

The bill entitled

“An act to incorporate the York and Jersey Urate and Poudrette Company,”

Was taken up, and on motion of Mr. Price was re-committed to Messrs. Price, Irick and Appleget.

Council adjourned to ten o'clock to-morrow morning.

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WEDNESDAY, January 15, 1840.

*At ten o'clock Council met.*

Mr. Miller, from the Joint Committee appointed to inform the Governor that both Houses of the Legislature have met, pursuant to adjournment, and are ready to receive any communication he may be pleased to make.

Reported, That they had performed the duty assigned them and that the Governor informed them that he would make a communication to both Houses this morning.

The following Message was received from the Governor, by the hands of James Wilson, Esq. his Private Secretary.

## GOVERNOR'S MESSAGE.

GENTLEMEN:—I herewith transmit a communication, recently made to me from Washington by five of the members of Congress from this state, announcing that they have been excluded from their seats in the House of Representatives, and in the most extraordinary manner. I present it to you with feelings of the most painful regret that an event should have occurred so calculated to disturb the friendly relations which have hitherto subsisted between this state and the Federal Legislature. And in this feeling you will, I am sure, fully participate.

By this violent proceeding the authority of the state has been treated with contempt, and she is despoiled of one of her most precious constitutional rights. Without indulging any expression of the natural feelings which the occasion is so well suited to inspire, and under a deep sense of the obligation of the Executive to communicate fully with the legislature in a case which so intimately affects the interests of the people and the reputation and sovereignty of the state, I commend the subject to your prompt and serious consideration.

By the constitution of the United States, the power of holding elections for representatives in Congress, the times, places, and manner, are expressly reserved to the states, until they are altered by a law of Congress. Accordingly this state, in common with every other member of the Union, has made full provision on the subject. Our laws prescribe when and where the election shall be held, how the result shall be ascertained, and by whom the commission shall be granted. This commission under the seal of the state gives to the holder a right in the first instance to be sworn, and to take his seat as a member of the House. Thus far the power of the states and the state authorities are complete, and cannot be intercepted by any authority known to the constitution. It was seen however, by the framers of the constitution, that cases might arise in which, from a non-compliance with the laws of the states or by frauds in the election, the person holding the commission would not in justice and equity be entitled to the seat. The provision, therefore, was wisely made, that each house of Congress shall

Have the right to judge of the elections, returns, and qualifications of its members. But you will observe that they must first become a *House* within the meaning of the constitution. It could never have been intended that a body of individuals, assembling at Washington at the time fixed for the meeting of Congress, before they are organized or even sworn, and before the necessary officers are chosen to preserve order, should be deemed a House of Representatives. When they become duly organized, and not before, the House is constituted "the judge of the elections, returns, and qualifications of its own members." It may then, on application of others claiming a better right, investigate fully the title of any member to his seat. It is then competent to inquire into the elections, to receive evidence, send for persons and papers, look into the returns, correct irregularities and frauds, and to do whatever else may be necessary to enable it to "judge" whether the persons holding the commissions or the claimants have been duly elected by the people. By this course of proceeding no state can be unrepresented, and any injustice or informality that may arise from the imperfect or irregular operation of the state laws may be corrected.

It is no part of our complaint, therefore, that the House of Representatives should, when organized, investigate, and investigate thoroughly, the qualifications and pretensions of its members. That it possesses the power in its fullest extent, and has alone that power, has never been doubted, or denied. But it is the attempt of an unorganized body of men to exercise this high prerogative without the forms of law, of which we complain, and which act can be characterized only as a monstrous usurpation. It was by a summary proceeding of this sort that New-Jersey has been deprived of five-sixths of her representation in Congress. The title of the five representatives who have been thus excluded without a hearing, without investigation, and without even so much as the form of a trial, has not been impeached in any respect whatever, and they now stand clothed with precisely the same powers, and are entitled by the constitution and laws to equal privileges, with the men, by whose concurrence they have been excluded. What other views can we take of this case than as an insult offered directly to the state whose commissions these gentlemen bear, and a violation of the constitution of the United States.

This proceeding is materially aggravated by the fact, that the House is engaged in the transaction of business which deeply concerns the people of New-Jersey, the same as if they were fully represented. A large appropriation of the public moneys, has already been made without regard to the claims of this state, to a voice on the subject. With the same propriety the repre-

representatives from the other states who have conspired to exclude New-Jersey thus far from her proper participation in the business of the House, may go on without her consent to appropriate the public revenues, alienate her title (sealed with the best blood of the Revolution) in the public domain, or involve us in all the consequences of a disastrous system of finance. As a precedent it is fraught with the greatest mischief, and if the positions which have been assumed are to prevail, the very first principle and the only security of representative government will have been subverted. It will then always be in the power of a minority to rule, since the mere act of questioning the title of members deprives them of their seats. It is believed that the case is without a parallel in the history of legislation. I may venture to say, that no example of the kind can be found in the history of any State Legislature, in the usages of Congress, or the British Parliament.

The case is not at all affected by the well known fact, always understood and recognized, that there is a grave question as to five of the seats from New-Jersey to be settled ultimately by Congress. There are two returns from townships, which under the laws of the state could not be counted by the state officers. Whether they are such as should be counted by Congress (which has a very different power over them from officers acting under the positive directions of the statute of the state,) is a question for the House to settle. There is still another and more important question remaining, growing out of frauds alleged to have been committed, not by mistake or oversight, but by a systematic plan to allow aliens not naturalized the privilege of voting. As to one of the disputed townships, we are not left to conjecture on this point, for you will remember that the fact was clearly ascertained by an open examination before the legislature last year. I pretend not to know, and if I did, should think myself not warranted in expressing any opinion as to which of the two parties claiming the election will appear on a full and final examination entitled to the seats, and have no other desire than that justice should be done. But all this has no just bearing on the case before us. It constitutes no ground of justification for that violent *ex-parte* proceeding by which the case was prejudged; and the state left with but a single representative on the floor of Congress.

What were the pretexts for this act? The claimants produce a certificate from the secretary of state of certain estimates and returns, by which it would appear that if the returns from two townships in the state, which were rejected returns and never forwarded to the governor, had been counted, there would be a majority of votes for the claimants. This certifi

cate possesses no authority whatever. It does not relate to any paper or record belonging to the office of the secretary of state, and was issued without the authority of law. It might as well have certified a private letter or a column of a newspaper. In the absence of a more convenient place of deposit, it has been customary for the governor to lodge executive papers in the secretary's office for safe keeping, and that practice was followed in the present instance; but they form no part of the files or records of his office.

Is it alleged that any law of the state was violated in the manner of awarding the certificates? There is your statute book, and by it the Governor and Council are directed to make up the result from the clerk's returns, and from them alone; and the commissions were awarded after a careful estimate of the returns from all the clerks in the state. Without a violation of the law and of my official oath, without passing by the advice of the Council, and disregarding the unvarying practice under the law from its enactment, no other course could have been adopted. I take my stand by the side of the laws of the land; and amid the storms of party, seek no other security than an approving conscience and a firm conviction of having faithfully discharged my duty. But I have the further satisfaction to know that my judgment has been fully confirmed by you, gentlemen, and by the people of the state. But suppose it were otherwise? Do you hold your Executive responsible for his acts to the Congress of the United States? This would be new doctrine for an independent state. I am alone responsible for my public acts, let me say to the legislature and the people of my own state; and I deny all right to pass upon them officially by any other earthly power. Whether, therefore, the decision in granting the certificates was right or wrong, Congress, at all events, is bound to receive the credentials thus furnished, as the mandate of the state to them, that they admit their representatives to their seats, until others can show a better title.

I have thus presented to you my views of this case. I find in it no palliating circumstances, nothing but a most unprovoked violation of our rights as a state, and impeachment of our character as a people. What action you may think proper to take upon it, must be left to your judgment and sound discretion. As the immediate representatives of the people, you best know their feelings and their wishes. If there be not a deep and settled feeling of injury in the minds of the people, I have not properly appreciated their character. It is not among the least alarming features of the case, that the question has always been carried against the rights of New-Jersey by a party

vote. I trust, gentlemen, you will vindicate the abused honor and violated rights of the state in firm and manly tones. That you will enter your solemn protest before the country against the usurped powers of Congress, and call upon them, even now, to reconsider and reverse an act which can only tend to alienate the feelings of a state among the most devoted to the Union. I would now, and for ever, deny the power of Congress to bind this state by her acts, while she denies us a representation in that body. There will be but one feeling with your sister states; they cannot but see in this act towards New-Jersey what may be their own fate, whenever for party purposes the like action towards them shall seem expedient. They should be called on to declare their opinions on the powers, now for the first time asserted on the floor of Congress. While I am satisfied that, consulting the wounded feelings of the people; you cannot reprobate in too strong terms the whole of this proceeding, as unconstitutional, illegal, and void, I would still desire that you may be led into no violent or indiscreet action. The people of New-Jersey are friends to their country, and will abide by her fortunes for weal or for woe. I would see you take counsel from your patriotism, as well as from your feelings, knowing that it is always more noble to suffer wrong than to do wrong, and in the hope that the day will yet come when our public councils will be guided by men who will regard the constitution, the laws, the rights of the states, and the peace and harmony of their country.

WM. PENNINGTON.

TRENTON, January 14, 1840.

## DOCUMENTS

## ACCOMPANYING THE MESSAGE.

*To His Excellency William Pennington, esquire, Governor of the  
State of New-Jersey.*

We, the undersigned representatives of the State of New-Jersey in the House of Representatives of the twenty-sixth Congress of the United States, being excluded from the performance of our official duties, in violation as well of the constitution and laws of the United States as of the laws and rights of our own state, would respectfully submit to your Excellency, and, through you, to the legislature and the people of New-Jersey, the following statement :

Shortly after the late election for members of Congress, commissions under the great seal of the state, and signed by your Excellency, (a copy of which is annexed, marked A.) were forwarded by the secretary of state to us severally, constituting us representatives of the state of New-Jersey in the twenty-sixth Congress. Although fully satisfied that the decision which had awarded them to us was not only correct, but under the laws of the state unavoidable, yet being apprised that in consequence of the failure of the election of officers in two townships to make proper returns, their votes had been lost, we thought it not right to act under the commissions, unless assured that we were also entitled to them by a majority of all the legal votes cast in the state. At the same time we did not feel justified in refusing them, as information from sources entitled to respect, had induced us to believe that we had such majority. The investigation of the Cumberland election by the legislature, soon changed this belief into certainty with respect to one of our number. Knowing, however, that the further examination requisite to determine the rights of the others, would be attended with great difficulty, and if brought before the House, with great expense and delay of public business, we thought it best, on the first opportunity after our commissions came into effect, to make to our late competitors an offer to resign, and submit the question to the pro-

ple, as that could be done at the annual state election without the least additional trouble or expense. This offer was refused ; but still unwilling to avail ourselves of our position, unless satisfied of the equity of our claim in addition to the perfection of our legal title, we, at our own expense, instituted an examination ; and although prevented by the want of a law for the purpose, and by the opposition and threats of those interested in suppressing it, from getting the greater part of the evidence then in the form of depositions, we found enough to assure us that we could prove we had received the majority of the legal votes. After this we could no longer hesitate ; and, in obedience to our commissions, took our seats in the House of Representatives on the first day of the session. The clerk of the House in the last Congress, in conformity with the usage which has obtained for many years, commenced calling the roll of members from the several states in their order, but on coming to New-Jersey called Mr. Randolph only ; and then stated : " that there were five of the seats belonging to representatives of this state contested ; and, not feeling it his duty to decide the question of a right to them, he would if such a course should be approved by the House, pass over the remaining names until the other states should have been gone through with, and then submit the evidence in his possession touching the rights of the several claimants to seats from that state." Regarding this course as insulting to our state, we demanded that the evidence should be read, and that the persons producing such credentials as were required by the laws of the state, should be called in their proper order. A debate ensued, in the course of which it appeared that the *evidence* in conflict with our commissions was a paper purporting to be a certificate of the secretary of state of New-Jersey, stating the result of *his* examination of the returns of the county clerks, and also of the returns of votes from the two townships not included in the county returns, and which he alleged to be on file in his office. A copy of this paper, which however worthless in itself, should be preserved in connection with the event, is annexed, marked *B.*

The clerk professed to regard this hearsay statement of an unauthorized individual as at least equal in validity to the highest kind of evidence known to the law, the testimony of a state by its great seal ; and it soon became apparent that in so doing he was merely the tool of others, and that almost the entire administration party in the House would sustain by their votes this monstrous assumption.

On the fourth day of the session, in consequence of the clerks refusal to put any question but that of adjournment, and after he had clearly intimated that he would not comply with



the written request of a majority of those whose seats were not disputed to enroll our names, the Honorable John Q. Adams was called to preside in the meeting. The debate was then continued upon a resolution directing the clerk to call the names of those holding the regular and legal commission from the executive of our state, which was subsequently laid upon the table, the members having in the meanwhile decided, by a small majority, that even on a collateral question our votes should not be counted; and at the same time, by an unanimous vote, repudiated those which the claimants of our seats had given.

A resolution was then offered by Mr. Rhett, of South Carolina, and adopted, "That the House will proceed to call the names of gentlemen whose rights to seats are not disputed or contested; and, after the names of such members are called, and before a speaker is elected, they shall, provided there be a quorum of such present, then hear and adjudge upon the elections, returns, or qualifications of all claimants (Mr. Naylor and Mr. Ingersoll excepted) to seats contested upon this floor." Believing that the members from other states, before the organization of the House, and before taking the oath to support the constitution, had no power to question the decisions of the state authorities, and that all such proceedings were in direct violation of the constitution, as well as an express law of the United States, and a high-handed outrage upon the laws, rights, and dignity of the state of New-Jersey, we presented, through our colleague, Mr. Randolph, our solemn protest against them; a copy of which is annexed, marked C.

A resolution offered by Mr. Wise, of Virginia, "That the credentials of the following members, John B. Ayer, John P. B. Maxwell, William Halsted, Charles C. Stratton, and Thomas Jones Yorke, are sufficient to entitle them to take their seats in the House, leaving the question of contested election to be afterwards decided by the House, was put, and lost by a tie vote of 117 to 177. After several other resolutions had been proposed and discussed, but no decisive vote taken, the members proceeded to the election of speaker, without further hearing or adjudging upon the election returns or qualifications of the claimants to the contested seats. Thus, by a tie vote of a minority of the members actually present on the floor, was the testimony of a state, authenticated in its most solemn form, set aside, without proof, without trial, in defiance of uniform usage and of the clearest provisions of the constitution and of law; the laws of the state annulled, and she deprived of almost her entire representation in the House. It is the first outrage of the kind in this nation, and probably the first that has ever disgraced the history of a regular represen-

tative government. An attempt will no doubt be made to palliate it by the plea, that had all the votes been properly returned by the officers of election, our opponents would have had a majority. How little influence this really had is apparent from the fact, that Mr. Naylor, of Pennsylvania, with the regular and legal credentials of his state, and an acknowledged popular majority of more than seven hundred, escaped the same treatment by a vote of only 119 to 112, with all our votes in his favor, and only three of the claimants for our seats voting against him, though his exclusion was not necessary to secure a clear administration majority in the House.

We, considering the whole of these proceedings unconstitutional and void, and knowing that our rights, derived from the laws of our state, did not thus depend upon the will or caprice of our fellow members, offered our votes in the election of speaker, and demanded that they should be recorded; and after the speaker had been chosen, and the other members sworn in, presented ourselves to him, and demanded to be sworn. The speaker replied, in substance, that had the question then arisen *de novo*, he should not have hesitated to administer the oath, but, in consequence of the previous proceedings, he thought it his duty to submit it to the House. After other propositions had been discussed and withdrawn, a resolution, offered by Mr. Evans, of Maine, "That the representatives of the twenty-sixth Congress of the United States do advise and request the speaker to administer the oath required by law to the five gentlemen from the state of New-Jersey who have presented credentials to the speaker, and demand to be sworn," was lost by a vote of 112 to 116. For a more perfect detail of all these proceedings we must refer to the journal of the House, a copy of which will be forwarded to your Excellency.

Having on every proper occasion asserted the rights of our states, and of ourselves as her representatives, and ascertained that even the oath to support the constitution will not change the determination of the majority, we think it useless further to press our claims at the present time. Our feelings as Jersey-men strongly urge us to withdraw at once from a body which has thus disgraced itself in attempting to degrade our state; which has denied the authority of her laws, refused credence to her testimony, and trampled upon her rights; but duty forbids us to leave the post to which her commissions have called us, until compelled by power which we cannot resist or released from our obligations by the state herself. We are still, by the constitution of the United States and the laws of New-Jersey, her representatives, and although excluded from acting as such by an exercise of lawless and revolutionary power, it is our duty

to maintain our places and assert our rights, as far as we can, without useless controversy and embarrassment to the business of the nation. It is our intention, unless the right is denied to us, or subjected to conditions degrading to our state or ourselves, to produce before the committee of elections, when appointed, evidence to show that we received a majority of the legal votes. But this will be done solely as an act of duty, in order to present the case fairly before the House and the country, and not with any idea of influencing the result.— We have no such expectation. Those who thought our exclusion necessary to give them the majority will feel it still more necessary to secure their power. Having violated the constitution in their first act, and decided against us without proof, and in defiance of conclusive evidence and the strongest provisions of law, it would be idle to hope that they will now regard the obligations of justice.

It is proper to mention, that, after the debate in the meeting of the members had continued about a week, we received a letter from the gentlemen claiming our seats proposing that we, as well as they, should retire from our seats, and wait the further order of the House. It is almost unnecessary to add, that this proposition was at once refused; but in order fully to show its character and the reasons for its rejection, the correspondence is annexed, marked D. and E.

Having thus submitted a statement of the circumstances connected with the most flagrant violation of state rights which has yet occurred in the Union; and, we may add, the most extraordinary outrage upon law and constitutional right ever committed in a representative body in any country not in actual revolution; permit us in conclusion to say, that impressed with the high responsibility of the station in which the commissions of our State has placed us, we have endeavored faithfully and conscientiously to discharge its obligations, feeling that duty only is ours, while events are in the hands of Him who controls the destinies alike of individuals and of nations.

With great respect your obedient servants,

JNO. B. AYCRIGG,  
J. P. B. MAXWELL,  
WM. HALSTED,  
CHARLES C. STRATTON,  
T. JONES YORKE.

House of Representatives of U. S. }  
Dec. 21, 1839. }

## A.

*Copy of Commissions of the Representatives of the State of New-Jersey in the twenty-sixth Congress of the United States.*

## STATE OF NEW-JERSEY.

To John B. Ayerigg, of the county of Bergen, Esquire,  
GREETING :

It appearing to the Governor of the State of New-Jersey, and the Privy Council thereof, that you have been elected by the people of the State of New-Jersey to represent the said state in the House of Representatives of the twenty-sixth Congress of the United States, you, the said John B. Ayerigg, are therefore commissioned to represent the State of New-Jersey in the House of Representatives of the United States during the twenty-sixth Congress.

In testimony whereof the Great Seal of the State is hereunto affixed.

[L. s.]

Witness, William Pennington, Governor of the state of New-Jersey, at Trenton, this first day of November, in the year of our Lord one thousand eight hundred and thirty-eight (1838), and of the independence of the United States the sixty-third.

By the Governor,

[Signed]

WM. PENNINGTON.

[Signed]

JAMES D. WESTCOTT,

*Secretary of State.*

The commissions of William Halsted, of the county of Mercer, John P. B. Maxwell, of the county of Warren, Joseph F. Randolph, of the county of Monmouth, Charles C. Stratton, of the county of Gloucester, and Thomas Jones Yorke, of the county of Salem, are all in the same form as above, the address excepted.

## B.

*Copy of a paper purporting to be a certificate of the Secretary of the State of New-Jersey.*

STATE OF NEW-JERSEY, ss.—I, James D. Westcott, Secretary of State of the State of New-Jersey, do hereby certify,

that upon a careful examination of all the returns made by the several clerks of the respective counties in said state, and filed in my office, and also returns of votes given in the townships of South Amboy, in the county of Middlesex, and of Millville, in the county of Cumberland, verified by the affidavits of the several township officers of election in said townships, respectively, which said township returns were not included in the returns of the clerks of said counties of Middlesex and Cumberland, and which were directed to be filed by the Governor, and now remain on file in my office, of the election for members to represent this state in the House of representatives of the twenty-sixth Congress, held on the ninth and tenth days of October, Anno Domini one thousand eight hundred and thirty-eight, it appears that Philemon Dickerson received 28,453 votes, Manning Force 28,314 votes, Peter D. Vroom 28,492 votes, Daniel B. Ryall 28,441 votes, William R. Cooper 28,455 votes, Joseph Kille 28,426 votes, John B. Aycrigg 28,294 votes, John P. B. Maxwell 28,383 votes, William Halsted 28,337 votes, Joseph F. Randolph 28,427 votes, Charles C. Stratton 28,396 votes, and Thomas Jones Yorke 28,321 votes; and by which it appears that at said election Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, Joseph Kille, and Joseph F. Randolph received a majority of the whole number of votes given in the State of New-Jersey for representatives of said State in the House of Representatives of the twenty-sixth Congress of the United States.

[L. s.]

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at the city of Trenton, in the said State, this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and thirty-nine (1839) and of the independence of the United States the sixty-fourth.

[Signed] JAMES D. WESTCOTT.

C.

*Copy of Protest.*

We, the undersigned representatives of the State of New-Jersey, duly commissioned as such, in conformity with the laws of the said state, having been in part excluded from our privileges in this meeting of the members of the House of

Representatives, deem it our duty to place before this body and this country, our views with respect to the rights of our state and ourselves, and the powers and duties of this meeting.

We therefore affirm, in the presence of the members of the House of Representatives here assembled, and of the whole American people, the truth of the following propositions :

1. That by the constitution of the United States, each state has the power to prescribe by law, the time, place, and manner of holding elections for its own representatives in Congress ; which power includes the right of prescribing the time, place, and manner of ascertaining and making known the result to Congress and the world.

2. That the determination of the state authorities, authenticated in the manner prescribed by the state laws, is the only evidence of the election of members of the House of Representatives which can be received prior to the organization of the House, and is final and conclusive until reversed by the House itself, duly organized.

3. That no one who cannot produce the evidence of his election prescribed by the laws of his State, is entitled to take a seat in the House of Representatives ; and no one who does produce such evidence can be excluded before an investigation by the House, without a gross violation of the constitution of the United States and the rights of the states themselves.

4. That the House of Representatives cannot be constitutionally organized, nor a quorum formed, until all the states of the Union have had an opportunity to appear by all their representatives ; and that a constitutional quorum is not merely a majority of the representatives elect, after the arbitrary exclusion of other members on any pretext whatever, but a majority of all the members from all the states, after each state has had an opportunity to appear by her representatives, and to constitute a part of that quorum.

5. That the body here assembled, having no judicial powers, possessing no means of sending for persons and papers, not legally authorized to examine witnesses under oath, and expressly forbidden by law to go into the consideration of any business before the House is organized and the oath to support the constitution administered to its members, cannot exercise the highest judicial function belonging to the House of Representatives, that of reviewing and reversing the decisions of the state authorities in relation to their own elections ; and that its only power is, to require the persons appearing here as members to produce the credentials prescribed by the laws of their respective states.

6. That the State of New-Jersey, having by law prescribed the time, place, and manner of holding elections, and also the time, place and manner of making known the result ; and having for

this purpose selected the highest kind of evidence known to the constitution, to the common law, the parliamentary law, and to the law of nations, a commission under her great seal, and signed by the Executive, has thus made known to Congress and to the world that we are her representatives in the twenty-sixth Congress.

This body having, in derogation of the principles above affirmed, refused in part to recognize our credentials, and that upon the authority of a paper which, emanating from an officer not recognized by the laws of New-Jersey regulating elections, and therefore not under the sanction of an official oath, stating merely inferences from other papers, themselves not evidence, being *ex-parte* affidavits, taken without authority of law and without notice to us, and proved by the law itself to be false upon its face, could not be received as proof of the facts it asserts in any court of record in the Union; and an intention being manifested to carry farther this insult to our State, and to consummate the outrage upon her rights, by excluding us, her representatives, from taking part in the organization of the House, we, in the name of our *State* and of ourselves, and in behalf of our common country, and of all the other states, whose rights are outraged in the violation of ours, do most solemnly protest against any such usurpation of power by this body, and do utterly disclaim its right to do an act which will be a bolder and more flagrant violation of the constitution of the United States, and of the laws and rights of the states themselves, than has ever yet been attempted in this country.

Washington, Dec. 12, A. D. 1839.

JOHN B. AYCRIGG,  
CHARLES C. STRATTON,  
J. P. B. MAXWELL,  
WM. HALSTED,  
T. JONES YORKE.

D

*Copy of Letter.*

HALL OF REP'S, Dec. 9, 1839:

Gentlemen :

As the House of Representatives have now been delayed for more than a week by our several claims to seats in this House, as you claim a right to seats on this floor by virtue of the commission of the Governor of the State of New-Jersey; and as we claim the

same right, by reason of our having received a majority of the votes of the people of New-Jersey at the election held on the 9th and 10th of October, 1838, for members of Congress of the twenty-sixth Congress, as this House have the constitutional right to judge of the returns as well as of the elections and qualifications of its members; and as we believe that it is in conformity with parliamentary usage and with propriety, that upon questions of this kind the parties whose rights are affected should not vote, we now propose that, waiving for the present the question of right, and for the purpose of relieving the House from its present embarrassment, we do all retire from our seats, and wait the further order of the House.

We have the honor to be yours with respect,

PH. DICKERSON,  
P. D. VROOM,  
JOSEPH KILLE,  
WM. R. COOPER,  
DANIEL B. RYALL.

To J. B. Aycrigg, esq., J. P. B. Maxwell, esq., Wm. Halsted, esq., Chas. Stratton, esq., T. J. Yorke, esq.

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E.

*Copy of Answer.*

WASHINGTON, Dec. 9, 1839

Gentlemen:

We have the honor to acknowledge the receipt of your letter of this date, and assure you that it would give us great pleasure to relieve the members of the House of Representatives, from the embarrassment into which they have been thrown by the unprecedented course adopted by the Clerk, and sustained by his friends, could we do so without sacrificing the honour of our state, the dignity of her laws, and the respect due to her officers.

Permit us, gentlemen, respectfully to ask, whether you have fully reflected upon the consequences of adopting your proposition, that waiving for the present the question of right, we shall all retire from our seats and wait the further action of the House?

The first and most obvious is, to exclude five-sixths of the representation of New Jersey from all action, not only in the organization of the House, but in all other matters, however vital to her interests, until it shall please the majority to determine who are entitled to the seats.

10a



Another is, that while the acts of the proper authorities in other states are received as final and unquestionable, those of our State are to be set aside upon mere presumption. It would also be surrendering the only principle upon which a representative body can be organized, that of recognizing as final and conclusive in the first instance the act of delegating power duly authenticated in the form prescribed by law. And lastly, it would be a fatal precedent for New Jersey; we say New Jersey, for every other state would repudiate it with scorn. It would be established by no act of their representatives, and they would never acknowledge its validity with respect to themselves; New Jersey, alone, bound down by her own act, must bow to its authority.

And upon whom will rest the odium of such degradation? Not upon you. Not possessing the legal credentials, you could not, by parliamentary usage, take the seats without a vote of the House, even if we were to relinquish them, and therefore incur no responsibility in withdrawing; but we, bearing the commission of the state, are bound to execute its duties, or at once to resign.

We therefore consider it better, far better, that we should be excluded by an arbitrary and illegal act of others than voluntarily to abandon our post. The precedent would in either case be a fatal one; but in the former fatal alike to every state, and each would feel the necessity of reversing it, while in the latter it would degrade New Jersey alone.

You refer to parliamentary usage as sanctioning the course proposed, but we have not been able to discover any such usage: so far from it, we find every precedent against it, and throughout this long discussion not one in its favor has been referred to.

In the case of Letcher and Moore, the parties voluntarily adopted the course which the House must have taken, as neither of them had the legal credentials; and in that of Claiborne and Gholson, those gentlemen retained their seats, though their credentials were irregular upon their face; in both cases it was admitted, on all hands, that had the credentials been in proper form no question could have arisen: and until such a case can be found, we feel authorized to say, that no question has ever been made in such a case until the present time.

You allege that you received a majority of the votes of the people of New Jersey at the late congressional election; we, gentlemen, also claim that we received a majority of the votes of the people of New Jersey at that election, and upon that ground claim to be their representatives.

The people of the state, alone, have the right to send their representatives, and it is not every paper smuggled into the ballot-box by those who are not of the people of New Jersey, or substituted by the officers of election in place of the legal votes which

have been placed there, that can be called a vote of the people of New-Jersey. Her votes are given only by her own citizens.

We have presented no evidence but our commissions, because these, and nothing but these, can be received before the organization of the House. But were these the only evidence we could rely upon, we should have presented them only to resign our trust.

Before we were aware that the law had awarded these commissions to us, we were informed that the ballot-boxes in several townships had been the subject of gross frauds; and the examination which followed in our legislature, with respect to one of them, proved thus far the truth of the charge. Aware, however, of the difficulties attending such an examination before Congress, we, on the very first day on which our commissions came into effect, offered to resign them and submit the question again to the people, in the hope that effective measures would be taken in the meantime to secure the integrity of the ballot-boxes. You thought it your duty not to accede to our proposition, and to resign without your concurrence would have been merely to present the same questions to the House in a more embarrassing form.

All that remained for us, therefore, was to ascertain whether or not we had received a majority of the legal votes, that we might feel justified in the one case in taking our seats, and in the other in surrendering our commissions to Congress. Our examination has satisfied us that we had such majority; our course is therefore clear, and, while we shall avoid taking any improper advantage of our position, we must act in those cases when duty requires it.

Very respectfully yours,

JNO. B. AYCRIGG,  
JNO. P. B. MAXWELL,  
WM. HALSTED,  
CHAS. C. STRATTON,  
T. JONES. YORKE.

To Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, Wm. R. Cooper, Joseph Kille, esquires.

N. B. As this is copied from the rough draft, which was not carefully compared with the letter sent, there may possibly be some verbal variations, though it is believed to be accurate.

## NAMES OF ILLEGAL VOTERS AT THE CONGRESSIONAL ELECTION IN 1838,-IN NEW-JERSEY.

Peter Barrant, Archibald McCambridge, Peter Snyder, Casper Briel, Louis Reitz, Frederick Eberhardt, William Kaltenback, William Bohrmann, Frederick Witte, Nicholas Hoffman, Lewis Schaum, Aloys Abendschoen, Louis Becker, Constantine Voirsard, William Kaltenback, jun., Nicholas Buckage, James Murdock, William McCurdy, Samuel McClure, John McCurdy, Daniel Garret, Michael Schaum, Peter Rattoo, Daniel McAnall, Thomas Hutton, James Hutton, Hugh Richards, Andrew Cassedy, Harman Vogading, of Cumberland county, Millville township, aliens. Levi Davis, George Day, William Ireland, Cumberland co., Millville township, non-residents in county. Jacob Hoover, Walter Hartzog, Cumberland co., Millville township, had not paid tax.

John Tash, Henry Wick, Reuben Abbott, Harman Langley, William Davidson, Salem co., Pittsgrove township, non-residents. Joseph Wattson, George Filer, John Starch, Errick Kalts, Salem co., Pittsgrove township, minors. John Boque, Salem co., Penns Neck, did not attend the poll. Philip Sullivan, Sussex co., Wantage township, alien. James Brink, Sussex co., Wantage township, non resident. Nathaniel Odell, Sussex co., Wantage township, a good vote received, and afterward thrown out of box. William Walien, Sussex co., Byram township, minor. Andrew Rush, Sussex co., Frankford township, minor. Michael Lawler, Patrick Rider, — Parks, — Parks, Sussex co., Vernon township, aliens. Samuel A. Price, Sussex co., Frankford township, minor.

Hugh W. Holaway, Lewis Mackey, John C. King, Thomas Price, Warren co., Oxford township, not resident one year in county. Herbert Smith, Warren co., Greenwich township, a pauper. Hugh Randall, Christopher Bowers, jun., Thomas Warner, Warren co., Greenwich township, not residents one year. William Willer, Jas. G. Moore, Warren co., Greenwich township, legal voters rejected. Francis Anthony, Warren co., Independence towship, alien. William Gallick, Warren co., Mansfield township, not resident.

John Gaffany, William McCartie, Patrick O'Neal, Sussex co., George Stephens, David Welsh, William Brown, Sussex co., non-residents. Dennis Cochran, George Walker, Andrew Kinsley, John Maloy, Patrick Fannel, Daniel Kelagher, William Euen, Luke Flood, Abraham N. Connor, Daniel Titus, James Faly, John Murry, Jeremiah W. Brown, Sussex co., Newton township, non-residents. Josiah Perry, Uzal Devore, Joseph Dodder, Warren Wills, Joel Decker, Madison Coyhendell, Isaac Van Horn, jr., James Roof, James Wainwright, Joseph White, John Perry, James Fredericks, Lewis Milton, William Helm, Jacob Roe, Durand Hedden, John Price, Morris Barber, Robert Heath, Joseph P. Price, Sussex co., Newton township, non-residents. Samuel Hendershot, Philip Van Horn, Robert Gray, Jacob Roof, jr., James Roof, Sussex co., Newton township, minors. Joseph South, Beardsley

Gray, Theophilus Phillips, Christian Shawner, Martin Hendershot, Sussex co., Newton township, non payment of taxes. Morris Dennis, Eustace Brownhart, Anthony Browne, Edward Blake, William Mallary, Hugh O'Brine, Sussex co., Vernon township, aliens. William Stevens, Nathan S. Nolen, Henry Weatherwalks, Justice McCoy, Charles Wood, Elijah Lanning, Francis Logan, Isaac Logan, Richard Logan, Frederick Storms, John Butler, John Crook, Wm. H. Weatherwalks, Peter Logan, John S. Storms, Sussex co., Vernon township, non-residents. Richard C. Roe, Elijah Webb, Sussex co., Hardiston township, minors. Canada Car, Robert O. Hand, Isaac Rake, Niel Brown, James Whitford, Robert Christy, Wm. McQuord, William Caffrey, Moses Sharp, Nicholas Sweeny, John Munson, Daniel Rockwell, John F. Moffit, John Babcock, William Dusenberry, Jesse Martin, Henry Martin, Samuel Cox, Charles Holmes, Henry Early, Calvin Sebolt, Abert Bremer, Sims Clark, Sussex co., Hardiston township, non-residents. William Longstreet, Mathias D. Garnes, Sussex co., Hardiston township, paupers.

Elias Green, Somerset co., Montgomery township, non-resident.— Elias Green, (voted again in Mercer,) Princeton, non-resident. David Logan, Somerset co., Bedminster township, a minor. Moses Ammerman, Jeremiah Castner, Somerset co., Bedminster township, non-resident. Nicholas Arrowsmith, Somerset co., Bedminster township, a minor. John Buck, Henry Post, Somerset co., Bedminster township, not one year in county. John Bigalow, Somerset co., Bedminster township, a minor. Jacob I. Vandoren, Somerset county, not one year in county.

Abraham Aller, Peter Swarts, Benjamin Yanger, Hunterdon co., Lebanon township, not one year in county. Richard Hope, Elijah Hall, Hunterdon co., Readington township, not one year in county. Abraham Kletz, Hunterdon co., Tewksbury, alien. William Riddle, Robert Martin, Hunterdon co., Bethlehem township, not one year in county. Charles Parke, Hunterdon co., Alexandria township, not one year in county. George Morgan, George Jamieson, Hunterdon co., Delaware township, not one year in county. Hugh Rooks, Hunterdon co., Delaware township, a minor. Charles Swallow, Hunterdon co., Delaware township, a legal voter, rejected. Urdel Taylor, Hunterdon co., Hopewell township, not one year in county. — Tinsinan, Hunterdon co., Alexandria township.

Edwin H. Owen, Mercer co., Nottingham township, not one year in co. William Green, Mercer co., Ewing township, a minor. Lewis Evans, Mercer, Hopewell township voted twice, once in Mercer and once in Hunterdon. Thomas Cadwallader, Mercer co., Ewing township, a legal voter, his vote was rejected.

Martin Harvey, James McCombs, James Conologue, Barner Malone, Solomon Huster, John Curley, Peter Bulger, James Cassedy, James Riley, James Roake, Malachi Good, Coly McDonner, John McCoresy, John Furgerson, Hugh Campbell, Patrick Murphy, Robert Smith, John O'Neil, Hugh Conologue, Robert Greenleaf, Middlesex co., South Amboy township, aliens. Clarkson Wilson, Somerset co., Warren town-

ship, not resident in county one year. John J. Brick, Somerset co., Warren township, an alien. Thomas A. Drake, Somerset co., Warren township, non resident. Isaac Stewart, Somerset co., Warren township, non resident. Augustus Moore, Somerset co., Warren township, a minor. Abraham Bryant, Ezra Wooden, Somerset co., Warren township, not residents one year in county. Henry R. Doty, Abm. Cadmus, Somerset co., Warren township, minors. Peter H. Westervelt, Cornelius Van Scuyver, Joseph T. Wood, Bergen co., Harrington, non residents. John Vreeland, Bergen co., Barbadoes, non resident. Samuel Dawson, Edward Dawson, Obadiah Olden, Bergen, co., New-Barbadoes, aliens.

John R. Outwater, Abraham E. Zabriskie, George Van Riper, Garret Van Riper, Cornelius T. Cadmus, Stephen Van Riper, John A. Van Riper, Richard Berdan, Rynear Berdan, Jacob J. Vanderbeck, James V. Jerolman, Peter R. Terhune, Garret S. Terhune, Jacob Stults, George Van Riper, Robert De Groot, John R. Berdan, Rynear L. Berdan, Herman Vanderbeck, Henry A. Hopper, Paul Vanderbeck, Paul P. Vanderbeck, Casparus Hough, jun., John Zabriskie, John Luke, Peter G. Doremus, Stephen G. Terhune, Lodowick Young, Garret Van Wagoner, Henry D. Garretson, Peter H. Ackerman, Garrabrant, V. H. Berdan, John J. Berdan, Bergen co., Saddle River. All these men swear that they knowingly voted the Whig Ticket, containing the names of all the Whig Candidates; and yet when the votes were counted there was only twenty-four whig votes taken from the ballot box; thus showing that at least eight whig votes had been purloined from the ballot box, and as many more Van Buren votes put in, making a difference of sixteen votes, which should be deducted from the majority in this township.

If we have 32 and the whole poll consists, as appears by the judge's return, of 126, then the Van Buren candidates can have but 84 votes instead of 103.

*Result of illegal votes discovered is as follows :*

Aliens,	79
Non-residents,	105
Minors,	22
Persons who had not paid tax,	7
Legal votes rejected,	4
Paupers,	3
Persons who voted twice,	2
Other illegal voters,	5
The Saddle River box robbed of eight Whig votes, and eight Van Buren inserted,	16

Number of illegal voters already discovered, who voted the Van Buren ticket,	243
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Which was read, and ordered to lie on the table for the present.

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

Mr. Armstrong moved that one thousand copies of the Governor's Message and the accompanying Documents be printed for the use of Council.

A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly had passed the accompanying Concurrent Resolution in relation to the Message of the Governor and the accompanying Documents, and have appointed Messrs. Brown, Hiler, Sanderson, Wilson and Risley, on the part of the House.

The following concurrent resolution from the House of Assembly, viz.

*Resolved*, (Council concurring,) That the Message of the Governor, which has just been read, together with the accompanying Documents, be referred to a Joint Committee to consist of five members of this House and of three members of Council,

Was taken up, read, and agreed to—and Messrs. Miller, Price and Armstrong appointed said committee on the part of Council.

*Ordered*, That the Secretary inform the House of Assembly thereof.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

Mr. Price, from the committee to whom had been referred the engrossed bill, entitled

**"An act to incorporate the "York and Jersey Urate and Poudrette Company,"**

**Reported a bill entitled**

**"An act to incorporate the Lodi Manufacturing Company, for purposes of Agriculture."**

**Council adjourned to ten o'clock to-morrow morning.**

**THURSDAY, January 16, 1840.**

*At ten o'clock Council met.*

**Mr. Irick, with leave, presented a bill, entitled**

**"An act to confirm and establish a codicil to the last will and testament of Job Irick, late of the county of Burlington, deceased."**

**Which bill was read, ordered a second reading, and referred to the Committee on the Judiciary.**

**The bill entitled**

**"An act to incorporate the Lodi Manufacturing Company, for purposes of Agriculture,"**

**Was read a second time, considered by sections, amended, and postponed.**

**Council went into a Court of Appeals, and after some time spent therein, Council came to order.**

**Mr. Irick presented the following Report from the Board of Inspectors of the State Prison, with an accompanying Schedule of the names of the Deputy Keepers and their assistants, with a statement of their salaries and how employed.**

Which Report and Schedule were read, and ordered to lie on the table.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Miller, from the Joint Committee to whom had been referred the Message of the Governor, and the accompanying Documents made the following

## REPORT :

WHEREAS it appears, from a report made by John B. Aycrigg, John P. B. Maxwell, William Halsted, Charles C. Stratton, and Thomas Jones Yorke, five of the persons duly commissioned as Representatives of the people of New-Jersey in the twenty-sixth Congress of the United States, to the Governor of this state, and by him communicated to the legislature, that, at the time and place prescribed by law for the meeting of that Congress, they appeared and produced their commissions as such Representatives, and claimed the right to unite with the Representatives from the other states of the Union in forming and organizing a House of representatives, but by the acts of a portion of those Representatives were prevented from exercising that right, and are still excluded from any participation in their proceedings and deliberations;—by which acts the people of New-Jersey are deprived of their just voice in the councils of the nation, at a time when measures of great public importance and deeply affecting their feelings and interests are to be acted upon; their state authorities and their seal are treated with indignity; and a precedent is sought to be established, which, if not promptly and successfully resisted, may hereafter be used to



justify the rejection of electoral votes or the exclusion of any number of duly commissioned representatives that a designing and unprincipled faction may deem necessary to secure to itself the control of the national legislature.—And whereas, in this unprecedented emergency, it becomes the solemn duty of New-Jersey firmly to oppose this attempt to subvert the fundamental principle of a free representative government, and to call upon her sister states to disavow and redress the wrong which has been perpetrated by a portion of their representatives—therefore,

**BE IT RESOLVED, by the Council and General Assembly of New-Jersey,** That the State of New-Jersey became a party to the Union upon the express condition, embodied in the constitution, that in common with her sister states, she should be at all times entitled to a number of members of the House of Representatives proportioned to her population, and that by the laws passed in pursuance of that constitution she now is entitled to six representatives.

*And be it resolved by the authority aforesaid,* That until Congress shall by law make some regulation of the subject, the legislature of each state has by the constitution, full and exclusive power to prescribe “the times, places, and manner of holding elections for representatives,” which necessarily includes the power to prescribe the manner in which the result of those elections shall be ascertained and certified.

*And be it resolved by the authority aforesaid,* That as the legislature of New-Jersey has prescribed a commission granted by the Governor under the Great Seal of the State, as the only mode in which the election of her representatives shall be officially certified, such a commission issued in due form of law confers upon each person to whom it is granted a full and perfect right to claim and exercise all the powers and duties of a representative of the State, until a regularly constituted and organized House of Representatives, after due examination, shall have solemnly adjudged that he is not elected or not qualified; and that any other mode of certifying such election is utterly invalid and unknown to the laws of New-Jersey.

*And be it resolved by the authority aforesaid,* That a House of Representatives cannot be constitutionally and lawfully organized and invested with any authority, judicial or legislative, while a single representative from any state, duly returned and commissioned according to the laws of that state, is excluded from his seat or denied the exercise of the rights and privileges of a representative.

*And be it resolved by the authority aforesaid,* That the late acts of a portion of the representatives from the several states,

by which five of the persons who were duly commissioned under the Great Seal of the State New-Jersey, as her representatives in the twenty-sixth Congress of the United States, were prevented from exercising their rights and discharging their duties as such representatives, were a palpable violation of the constitution and of the parliamentary law established by reason and unvarying usage, a precedent of most alarming and dangerous character, and a gross outrage upon the rights and feelings of the people New-Jersey.

*Therefore be it resolved by the authority aforesaid, That, in the name and behalf of the people of the State of New-Jersey, we do hereby solemnly PROTEST* against the acts aforesaid, as unconstitutional, unwarranted and unjust, and against any assumption by the remaining representatives from the several states of the right or authority to exercise any of the powers conferred upon a constitutional House of Representatives, and more especially against the attempt to enact any law for regulating the collection or disbursement of the public revenue; for disposing of the public lands, or the proceeds thereof; for pledging the public faith or credit; for imposing any tax or duty, or for the apportionment of representatives, until the people of New-Jersey and their duly commissioned representatives shall have been restored to the rights of which they have been wrongfully deprived.

*And be it resolved by the authority aforesaid, That a copy of the foregoing preamble and resolutions, certified under the Great Seal of the State, which since seventeen hundred and seventy-six has been, and still is the constitutional and cherished emblem of the sovereignty of New-Jersey, be transmitted to the Hon. R. M. T. Hunter, a representative from Virginia, with a request that he will lay the same before the other representatives from the several states now assembled at Washington.*

*And be it resolved by the authority aforesaid, That a copy thereof be transmitted to the governor of each of the several states of the Union, with a request that he will cause the same to be laid before the legislature thereof, and also to each of the senators and of the six representatives of this state.*

Which Report was read—and ordered to lie on the table.

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

On motion of Mr. Irick, it was

*Ordered*, That one thousand copies of the Report of the Joint Committee in relation to the Governor's Message be printed for the use of Council.

Council adjourned to ten o'clock to-morrow morning.

FRIDAY, January 17, 1840.

*At ten o'clock Council met.*

Mr. Price moved to amend the minutes of yesterday afternoon by adding the words "*the majority of*,"—so as to read,—"*Mr. Miller, from the majority of the Joint Committee,*" &c.

On which the yeas and nays being called, were as follows,  
*viz.*

**Yeas.**

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

**Nays.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board.—8.

So it was determined in the negative.

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

A message was received from the House of Assembly, by Mr. Coppuck their clerk, informing Council that the House of Assembly have adopted the accompanying concurrent resolution in reference to the report of the Commissioners authorized to dispose of the State Lands at Paterson, and have appointed Messrs. Sanderson, Borton and Summerill on the part of the House of Assembly; and request the assent of Council thereto.

The following Concurrent Resolution from the House of Assembly, viz.

*Resolved*, (Council concurring,) That the Report of the Commissioners for selling the State Lands at Paterson, with the accompanying Documents, be referred to a Joint Committee of Council and Assembly—

Was read and concurred in, and the report accompanying the same was referred to Messrs. Taylor and Haines as a committee on the part of Council.

*Ordered*, That the Secretary inform the House of Assembly thereof.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

The bill entitled

“An act to incorporate the Lodi Manufacturing Company, for purposes of Agriculture,”

Was taken up, considered, further amended, and  
Ordered to be engrossed and have a third reading.

Council went into a Court of Appeals, and after some time spent therein, Council came to order, and

Adjourned to ten o'clock to-morrow morning.

**SATURDAY, January 18, 1840:**

*At ten o'clock Council met.*

**Mr. Miller presented a petition from Joseph E. Westbrook, and Sarah his wife, for a law in relation to the last will and testament of Daniel Ennis, deceased.**

**Which was read, and**

**Referred to the Committee on the Judiciary.**

**Mr. Miller presented a petition praying for an act to authorize the sale of real estate.**

**Which was read, and**

**Referred to the Committee on the Judiciary.**

**Council went into a Court of Appeals, and after some time spent therein, Council came to order, and**

**Adjourned to three o'clock this afternoon.**

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*At three o'clock Council met.*

**Council went into a Court of Appeals, and after some time spent therein, Council came to order, and**

**Adjourned to three o'clock on Monday afternoon.**

**MONDAY, January 20, 1840.**

*At three o'clock Council met.*

Council went into a Court of Appeals, and after some time spent therein, Council came to order, and

Adjourned to ten o'clock to-morrow morning.

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**TUESDAY, January 21, 1840.**

*At ten o'clock Council met.*

Council went into a Court of Appeals, and after some time spent therein, Council came to order, and

Adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Taylor presented a memorial from James C. Van Dyke, President of the Bank of New-Brunswick, asking for legislative aid in regard to closing the concerns of said Bank.

Which was read, and

Referred to the Committee on the Judiciary.

Mr. Armstrong presented a petition from Julia R. Booraem, Hugh K. Toler, and Julia Toler, praying for a Law to confirm the last Will of Hendrick Booraem, late of the city of New-York, deceased.

Which was read and—

Referred to the Committee on the Judiciary.

Mr. Price presented a petition from John Wilson for a divorce from his wife Eleanor C. Wilson.

Which was read, and

Referred to Messrs. Price, Appleget and Barber.

Mr. Miller presented a petition from Caroline Campfield for a divorce from her husband, Jasper D. Campfield.

Which was read, and

Referred to Messrs. Price, Appleget and Barber.

Mr. Snyder with leave presented a bill, entitled

“An act to incorporate the New-Jersey Manufacturing Company,”

Which was read, and

Referred to the Committee on Corporations.

Mr. Price from the committee to whom had been referred the petition of Mary R. Sturges, praying for a divorce from her husband John Sturges,

Reported a bill, entitled

“An act to divorce Mary R. Sturges from her husband John Sturges.”

Which bill was read.

Ordered, That said bill have a second reading.

A message from the House of Assembly, by Mr. Coppuck, their Clerk, informed Council

That the House of Assembly had passed a bill entitled

“An act to authorize Peter McClees and Robert Allen to build a Dock upon and in front of their lands on Shrewsbury River.”

To which bill the assent of Council is requested.

The bill from the House of Assembly, entitled

“An act to authorize Peter McClees and Robert Allen to build a Dock upon and in front of their lands on Shrewsbury River,”

Was read, and

Referred to the Committee on Corporations.

Council adjourned to ten o'clock to-morrow morning.

**WEDNESDAY, January 22, 1840.**

*At ten o'clock Council met.*

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

The engrossed bill entitled

“An act to incorporate the Lodi Manufacturing Company, for purposes of Agriculture.”

Was read a third time, compared, considered and postponed.

A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly had passed a Preamble and sundry Joint Resolutions in relation to the exclusion of five of the Representatives from this State in the Congress of the United States, and request the concurrence of Council to the same.

The Preamble and Joint Resolution from the House of Assembly in relation to the exclusion of five of the Representatives from this State in the Congress of the United States,

Were taken up, and the first reading thereof progressed in, when Mr. Price moved that the further reading be postponed until afternoon—pending which motion,

Council adjourned to three o'clock this afternoon.



*At three o'clock Council met.*

Mr. Miller from the Committee on Corporations, to whom had been referred the bill from the House of Assembly, entitled  
 “An act to authorize Peter McClees and Robert Allen to build a Dock upon and in front of their land on Shrewsbury River,”

Reported the same without amendment.

Which bill was ordered to have a second reading.

Mr. Price presented a Document, which he wished Council to receive as the Report of a Minority of the late Joint Committee on the Governor's Special Message and Documents.

The Vice-President decided that it was not in order now for Council to receive it. Mr. Price appealed; and the decision of the Vice-President was sustained by the following vote:

**Yeas.**

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,

Messrs. Miller,  
 Barber,  
 Board,  
 McChesney.—8.

**Nays.**

Messrs. Price,  
 Oliphant,  
 Lambert,

Messrs. Snyder,  
 Haïnes,  
 Kennedy,  
 Ireland.—7.

Mr. Price moved the following:

*Resolved*, That the Report of the Committee on the Governor's Message be referred to the committee for the purpose of amendment, to enable the minority of the committee to make their Report.

Which was determined in the negative by the following vote:

**Yeas.**

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland,—7.

**Nays.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Miller,  
Barber,  
Board,  
McChesney,  
Porter, (V. P.)—9.

The Joint Resolutions and Preamble from the House of Assembly in relation to the exclusion of five Representatives from this State in the Congress of the United States,

Was read through, and ordered to have a second reading by the following vote :

**Yeas.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

**Nays.**

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland.—7.

The bill entitled

“An act to divorce Mary R. Sturges from her husband John Sturges,”

Was read, together with the documents, and postponed.

Council adjourned to ten o'clock to-morrow morning.

**THURSDAY, January 23, 1840.**

*At ten o'clock Council met.*

**Mr. Lambert**, with leave, presented a bill entitled  
 "An act to incorporate the New-Jersey, Delaware, and  
 Pennsylvania Steamboat Company."  
 Which was read, and  
 Referred to the Committee on Corporations.

Council went into a Court of Appeals, and after some time  
 spent therein, Council came to order.

**Mr. Armstrong**, from the committee on the Judiciary, to  
 whom had been referred the petition of **Julia R. Booraem** and  
 others,

Reported a bill entitled  
 "An act to confirm the last will and testament of **Hendrick  
 Booraem**, late of the city of New-York, deceased,"  
 Which was read, and ordered to have a second reading.

The unfinished business of yesterday, being the consideration  
 of the following amendment, offered by **Mr. Armstrong** to the  
 bill entitled "An act to divorce **Mary R. Sturges** from her  
 husband **John Sturges**," viz.

"Provided always that nothing in this act contained shall be  
 construed or taken to authorize the said **Mary R. Sturges** or  
 the said **John Sturges** to contract matrimony with any other  
 person during the joint lives of the said **John Sturges** and  
**Mary R. Sturges**."

The yeas and nays being required to be entered on the Jour-  
 nal, stood as follows :

**Yeas.**

**Messrs. Armstrong,**

**Porter, (V. P.)  
 Board.—8.**

**Nays.**

**Messrs. Price,**  
**Appleget,**  
**Oliphant,**  
**Taylor,**  
**Irick,**  
**Lambert,**

**Messrs. Snyder,**  
**Miller,**  
**Barber,**  
**Haines,**  
**Kennedy,**  
**McChesney.—12.**

So it was determined in the negative.

Said bill was ordered to be engrossed and have a third reading.

The Joint Resolutions from the House of Assembly, in relation to the exclusion of five of the Representatives from this State in the Congress of the United States,

Were read a second time.

The first resolution of which was unanimously adopted.

Mr. Price moved to strike out the second resolution and insert the following, viz.

Whereas the Constitution of the United States declares that "the House of Representatives shall be composed of members chosen every second year by the people of the several states, and that the electors in each state shall have the qualifications requisite for the most numerous branch of the State Legislature;" and that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the Legislature thereof," but that Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators," and that "each House shall be the judge of the elections, returns, and qualifications of its members." And, Whereas, the Legislature of the State of New-Jersey, acting in their federative capacity, and not by virtue of any inherent and independent right of state sovereignty, have "prescribed the times, places and manner of holding elections, for Representatives in Congress," from the state of New-Jersey, in conformity to the said Constitution:

And Whereas, in pursuance of the said law, the People of the State of New-Jersey, did, at the times, and places, and in the manner thereby prescribed, by a majority of votes, choose Peter D. Vroom, William R. Cooper, Philemon Dickerson, Daniel B. Ryall, Joseph Kille, and Joseph F. Randolph, to be

their Representatives in the twenty-sixth Congress of the United States:

And Whereas, the law of the state prescribing the times, places, and manner of holding elections for representatives in Congress, also prescribes, that after the election has been made by the people of the State, the judges and inspectors of each township election, together with the Clerk of the election shall proceed without delay, to take an account of and cast up the votes given in, for each candidate, and make separate lists of the same, and sign, certify, seal up, direct and transmit the same to the Clerk of the county, who shall attend at the court house of the county on the Saturday next succeeding the day of election, for the purpose of receiving the same, which list shall be delivered to him before five o'clock of the said day, and that the said clerk shall then proceed in a public manner, to make one general list of all the candidates voted for, in the several townships, together with the number of votes received for each of them, in the said several townships, and transmit the same, at the expense of the State, to the Governor, within seven days thereafter, having first made a duplicate thereof to be filed in his office, together with the lists from the said townships: and that the Governor shall within five days after receiving the said list lay the same before the Privy Council, to be by him summoned for that purpose; and after casting up the whole number of votes from the several counties for each candidate, the said Governor and Privy Council shall determine the six persons who have the greatest number of votes from the whole State for such representatives; which six persons the said Governor shall forthwith commission, under the Great Seal of the State, to represent the State in the House of Representatives of the United States:

And Whereas, the said law of the State of New-Jersey, so far as respects the result or returns of the election of such representatives, is a gratuitous exertion of state legislation, not expressly conferred upon the said state by the Constitution of the United States, but thereby delegated to the House of Representatives of the United States, and not reserved to the states or the people, inasmuch as the right to prescribe the manner of holding an election terminates upon the closing of the polls, and taking an account of and casting up the number of votes given in for each candidate, and is merely directory, and not imperative as to the duty of the returning officers.

And Whereas, the said law upon the true and settled rules of construction, derived from the principles of the common law, and adopted uniformly by the Congress of the United States, in all cases ought to be so construed as not to defeat the

voice of the majority of the people of the state to whom the right of election, under the constitution of the United States, exclusively belongs, independent of any state authority to judge thereof, by the default, ignorance, want of form, neglect, omission or fraud of any state officer clothed with state authority to transmit the results of such election to Congress.

And Whereas, the law of the State of New-Jersey, in conformity with said rules of construction, and the adjudications of Congress, has prescribed, that the sole duty of the Governor and Privy Council shall be to cast up the whole number of votes from the several counties for each candidate for representatives, and to determine the six persons who have the greatest number of votes from the whole state, therefore, and to enable them so to determine, it further prescribes, that if the certified lists of all the candidates voted for in the several townships of the county, for such representatives, shall not be received from any of the clerks of the several counties in the state by the Governor within seven days after the day prescribed by law for casting up the votes, making a list thereof, and certifying the same, by the clerks of the respective counties, it shall be the duty of the Governor forthwith to send an express to the clerk of the county or counties from which such certified lists shall have not been received, and to procure the same at the expense of the state.

And Whereas, the certified list of the votes of the county of Cumberland and of the county of Middlesex transmitted by the respective clerks of those counties, and received by the Governor, was not a true and correct list of all the votes given for each candidate in all the townships of the said several counties, but the former did omit to include 306 votes given for the said candidates in the township of Millville, in the county of Cumberland, and the latter did omit to include 340 votes given for the said candidates in the township of South Amboy, in the county of Middlesex, and thereupon it became the duty of the Governor, under the sound construction of the law of the state, before he and his Privy Council could cast up the whole number of votes from the several counties of the state, and determine the six persons who had the greatest number of votes from the whole state, to send an express to the clerks of the said several counties, and thus procure the whole number of votes from the whole state at the expense of the state.

And Whereas, notwithstanding such omission of duty on the part of the Governor of the State of New-Jersey, certified copies, in due form of law, of the lists of votes given in for each candidate, for representatives in Congress, at the elections held in the said several townships of Millville and South Am-

boy, were procured and laid before the Governor and Privy Council by him summoned, to cast up the whole number of votes from the several counties for each candidate for representatives in Congress, and to determine the persons who had the greatest number of votes from the whole state ; therefore, nevertheless, the said Governor and Privy Council, did, contrary to the true intent and meaning of the law, and of the Constitution of the United States, and in manifest mistake of their duty, proceed, not to cast up the whole number of votes from the several counties for each candidate, and determine the six persons who had the greatest number of votes from the whole state, and thereupon to commission such persons, but to determine that it appeared to the Governor of the State of New-Jersey and the Privy Council thereof, that John B. Aycrigg, William Halsted, John P. B. Maxwell, Joseph F. Randolph, Charles C. Stratton, and Thomas Jones Yorke were duly elected by the people of New-Jersey to represent the said state in the House of Representatives of the United States for the twenty-sixth Congress of the United States ; and the Governor commissioned them accordingly.

And Whereas, the authority delegated by the law of the state of New-Jersey, to the Governor and Privy Council, was a special authority and trust, emanating, not from any right of the state of New-Jersey as a Sovereign State in its organic capacity, or any reserved right of the state, but as a party to the federal compact, and deriving all their powers from it, ought it not strictly, yet substantially to be pursued, and is confined by its very terms, to determining the six persons who had the greatest number of votes from the whole State, by casting up the whole number of votes from the several counties of the State, and constituted the Governor a mere organ, of transmitting such aggregate result to Congress, and not to determine who was elected, and that therefore the commission of the said Governor thus granted to John B. Aycrigg, William Halsted, John P. B. Maxwell, Joseph F. Randolph, Charles C. Stratton, and Thomas Jones Yorke, for the want of such conformity, and the usurpation of power never claimed by the State of New-Jersey, by any law, conferred on her by her agents, by the Constitution of the United States, to judge of the election of Representatives, is void as a Commission, and as such confers no rights upon the persons to whom the same is given.

And Whereas, neither the state of New-Jersey, in its organic capacity, as a sovereign state, nor the Governor and Privy Council of the said state, have any right, under the Constitution of the United States, to elect Representatives in Congress

from the said state, but that right belongs wholly and exclusively to the people of the state in their highest sovereign capacity, nor have any right to judge of the elections, returns, or qualifications of such representative—because that right belongs exclusively to the House of Representatives, and any attempt to wrest from the people of New-Jersey the sole right of electing their representatives in Congress, or from Congress the exclusive right of judging of the elections, returns, or qualifications of its own members, is a dangerous usurpation, under whatever plausible pretext it may be covered.

And whereas, the state of New-Jersey, neither in its organic capacity as a sovereign state, or as a member of the Federal compact, hath any lawful right or authority to deprive the people of that state, or any part of them, of their votes, after they have been given in at the polls, in the manner prescribed by the laws of the State for holding elections, or the action of state officers in any manner whatever, for want of form, or for the default, ignorance, fraud, neglect or misconduct of the mere returning officers in transmitting the returns of the officers holding the elections in any manner prescribed for the purpose by state laws, which are simply intended to present the aggregate vote of the whole state to Congress, for their judgment.

And whereas, the acts of the Governor and before mentioned clerks, as mere returning officers, in suppressing the returns of the votes of 306 electors in the said township of Millville; and the votes of 340 electors in the township of South Amboy, having no right to judge either of the elections held in the said townships, or the returns thereof, was a gross and daring usurpation—a violation, not only of the laws of the State of New-Jersey, but of the constitution of the United States, destructive to the rights of the people, and of the rights of suffrage, and an alarming attempt to wrest the right of election from the people, and vest it in their unfaithful, fraudulent or negligent agents.

And whereas, the Governor of the State of New-Jersey and the Privy Council thereof, acting under the law of the state prescribing the manner of holding elections for representatives, act merely as returning officers of the House of Representatives, and subordinate to the powers conferred on that body by the Constitution of the United States, and as their ministerial officers, in transmitting the aggregate of the whole vote of the whole state; and have no right to intercept such return by the Broad Seal of the State, or any other device, so as to prevent their free and constitutional right to judge of the elections and returns of its members:

And whereas, the right of electing representatives in the



**House of Representatives from the State of New-Jersey, belongs to the people of that state, and not their agents, whether Governor, Privy Council, county clerks, or the officers holding the election :**

**And whereas, the people of the State of New-Jersey, at the election lawfully held at the times, places, and in the manner prescribed by the legislature of the State, in conformity to the Constitution, did choose, by a majority of their votes given at the polls held in the several townships of the several counties of the said State, and adjudged to be lawful by the judges appointed for the purpose, Peter D. Vroom, Philemon Dickerson, William R. Cooper, Daniel B. Ryall, Joseph Kille and Joseph F. Randolph, to be their representatives on the twenty-sixth Congress of the United States, as appears by the returns, duly affixed of record in the office of the Secretary of State, and their Commission is derived directly from the people, and cannot lawfully or constitutionally be defeated, impugned or destroyed by the Great Seal of the state, or any officers of the State :**

**And whereas the only prima facie right and title to a seat as a member of the House of Representatives is derived from a majority of the votes of the people of the state, given at the elections held in the manner prescribed by the laws of the state, and returned by the officers holding such elections, and Peter D. Vroom, Philemon Dickerson, William R. Cooper, Daniel B. Ryall and Joseph Kille, thus elected and returned as five of the representatives of the people from the state of New-Jersey in the twenty-sixth Congress of the United States, appeared at the time and place prescribed by law for the meeting of that Congress, and presented the evidence of their election and return in due and legal form, and claimed their seats, and were prevented from taking the same by the adverse claim of John B. Ayerigg, William Halsted, John P. B. Maxwell, Charles C. Stratton, and Thomas Jones Yorke claiming a right and title to the same, under and by virtue of a commission granted by the Governor of the State, not in conformity to any law of the State or any act of Congress, but in violation of both the letter and the spirit of the former and founded upon an open and notorious omission of the state officers to discharge their appropriate duties :**

**And whereas, by means of such unlawful claim derived from the acts of omission and commission of the returning officers of New-Jersey and not from the choice of the people, the representatives thus chosen and returned by a majority of the whole votes of the whole state, have been excluded from participating in the proceedings and deliberations of Congress, and the peo-**

ple of the state of N. Jersey have been deprived by the unlawful acts of their agents of their just voice in the council of the nation:

And whereas the Governor of the State in his message to his Privy Council summoned to determine which six persons had the greatest number of votes from the whole state for representatives in the twenty-sixth of the United States, after determining that the votes of the townships of Millville and South Amboy aforesaid, should be excluded, not from any fault of the people, but the neglect of their agents, says, "That if, through inadvertence or by design, any votes have not been returned by the clerks, it is in the power of the House of Representatives, in their discretion to allow those votes, and give the seat to the person who with those votes may be elected. All representative assemblies possess and continually exercise the right of deciding who is entitled to a seat in them,"—and he declares his "earnest wish that before the proper and constitutional tribunal for deciding the matter, each candidate may have the full benefit of every legal vote he may have received at the election;" and by his message dated the fourteenth day of this month complains that the House of Representatives of the United States, to which tribunal he had previously referred the matter for decision, have exercised their clear, constitutional right of judging of the "election and returns" of its own members, and calls upon the Legislature of the State of New-Jersey "to vindicate the abused honor and violated rights of the State, in firm and manly tones," because the House of Representatives have not admitted the persons elected by him, or the persons chosen by the people to take their seats, until they judged who had the greatest number of votes from the whole State for such Representatives, and investigated the rights of the respective claimants to seats in Congress upon their respective claims :

1. Therefore be it Resolved by the Legislative Council and General Assembly of the State of New-Jersey, That the right of the Legislature of the State of New-Jersey to prescribe the times, places and manner of holding elections for Representatives, does not necessarily or in any way include the power to prescribe the manner in which the result of such elections shall be ascertained and certified so as to disfranchise any portion of the citizens of the State of their right of election, after the polls are closed, or defeat the voice of the majority of the people admitted to vote, by the judgement of the officers holding the election, either for the mistakes, ignorance or fraud of returning officers, or by the use of the great seal of the state—That elections are the acts of the people in their highest sovereign capacity, and "The Returns" commence:

when the election terminates, and all the acts of the agents of the people and the former cannot be either directly or indirectly rendered null and void by any act of the latter, either of omission or commission.

2. And be it further Resolved by the authority aforesaid, That the authority conferred by the laws of the State upon the Governor thereof to commission her Representatives, does not authorize him to elect Representatives, or to judge who are elected Representatives, and such authority is not an exercise of a right of the State in its sovereign organic capacity, or any received right of a State under the Constitution, but of a power derived from its federative capacity as a party to the constitutional compact, and subordinate to the regulations of that compact; and that such authority makes the Governor of the State a mere returning agent of the House of Representatives of the United States, and is a special limited authority or trust, which must appear upon its face to be or in point of fact must be substantially pursued; and the commission granted by the Governor, founded on the assumption of the right of determining the six persons who were elected representatives, instead of determining the six persons who had the greatest number of votes from the whole State, by casting up the whole number of votes from the several counties thereof, is null and void as a commission, and as such, when bona fide contested before the lawful tribunal, gives no right to the holder to claim and exercise the duties of a representative of the people of the state until the same is passed upon by that tribunal, and at best can only be considered as an evidence of title, and not the title itself to membership, which can only be conferred by the voice of the majority of the people given at the election held at the times, places, and in the manner prescribed by the law of the State, and appearing upon the whole returns of all the officers holding the same.

And be it Resolved by the authority aforesaid, That the certified lists, as well those made by the respective clerks of the several counties, as those made by the election officers of the said townships of Millville and South Amboy, and the minutes of the Governor and Privy Council having been delivered to the Secretary of State of New-Jersey, by the Governor thereof, to be kept, and actually filed in his office, became and are public records, and the said Secretary of State is bound by law and the duties of his office to make and furnish a copy thereof to any one desiring the same and paying the fees thereof, and certify the same under his seal of office; and such certified copy is in pursuance of the law of the land, and is entitled to be received as lawful evidence.

And be it Resolved by the authority aforesaid, That the State of New-Jersey has by solemn compact contained in the Constitution of the United States delegated to the House of Representatives of the United States, the sole and exclusive right of "judging of the elections, returns and qualifications of its members," and such right cannot be withdrawn or abridged without a violation of that compact, and a fraud upon the rights of her sister States, who have an interest in ascertaining that the Representatives are chosen by the people of the State and not by their agents, and in preventing persons being smuggled into the House of Representatives by the negligence or fraud of State officers, and in vindicating the purity of elections and returns.

And be it Resolved by the authority aforesaid, That under the Constitution of the United States and the laws of New-Jersey, no person has a right or title to a seat in the House of Representatives, unless he is chosen by a majority of the votes of the people of the State, given at the election held at the times, places, and in the manner prescribed by the Legislature thereof; and that the returns of the election officers is *prima facie* evidence of the legality of the votes so given; and that the House of Representatives is the only tribunal before whom, and in whose discretion the same can be disproved, and until so disproved the persons having the majority of the whole number of such votes are entitled to their seats as Representatives.

And be it Resolved by the authority aforesaid, That the House of Representatives, both by the law of Parliament, its own usages and the Constitution of the United States, can elect a Speaker before the members thereof are sworn, and that those whose seats, derived from the choice of the people, are undisputed, have necessarily the power to decide who shall be entitled to seats as members, in any stage of its proceedings: and where a bona fide contest exists, as to whom a majority of votes are given at the polls, the said House of Representatives may require the claimants to stand aside until that fact is ascertained, but after it is ascertained the claimants having such majority are *prima facie* entitled to their seats and to represent the people, until the question on the merits of an election if any such should be presented, and which can only be raised by petition, shall have been decided, and that the members whose rights to seats are uncontested, in the meanwhile compose the constitutional House of Representatives both before and after they are sworn, and may exercise all the powers conferred upon that body by the constitution of the United States in its appropriate action.

And be it Resolved by the authority aforesaid, That the act

of the Governor of the State of N. J. in using the Great Seal to commission Messrs. Aycrigg, Halsted, Maxwell, Stratton and Yorke, founded upon an assumption that they were duly elected by the people of the State of N. Jersey as their representatives, which was not true, and of which he had no right to judge even if true, instead of determining as he ought to have done, and spread such facts upon the face of his commission, that they had the greatest number of votes, for the same, which was the only fact he had a right to determine, and the act of the said claimants, under the said commissions, in claiming seats, and the proceedings of those who supported them in their unlawful and unconstitutional claim has deprived New-Jersey hitherto of a portion of her constitutional representatives, and if there has been any gross outrage upon the rights and feelings of the people of the state of New-Jersey, or any palpable violation of the constitution and of the parliamentary law established by reason and unvarying usage, it has been committed by them, or sprung from their acts, in attempting to force by the solemnity of a broad seal, members who were not elected by the people, in the place of those whom they had lawfully chosen to represent them; the first claiming their seats by the acts of omission or commission of the mere agents or servants of the people, and the latter by the election of the people themselves.

And be it Resolved by the authority aforesaid, That, while it is to be deplored that the acts of the agents of the people of this state should thus deprive them of their lawful representatives, and that the said Governor should now attempt to censure or nullify the action of the House of Representatives exercising what he admits to be their constitutional and exclusive power, yet it is consoling to reflect that the action of the Congress has hitherto happily defeated the persons claiming under his commission from obtaining seats, and it would be more desirable for the people to be deprived, for a time, of their just representation, than to witness those whom they have rejected usurping the places of those whom they have elected.

And be it Resolved, by the authority aforesaid, That the people of New-Jersey have an abiding confidence in the justice and wisdom of the House of Representatives to preserve the purity of elections, and the rights of the people to choose their own Representatives, free from the contamination of the acts of their agents and that they will do in the first instance what those agents omitted to do, decide which six persons had the greatest number of the votes of the people of the several counties of the whole state given at the polls, as appears by the returns of the election officers as a question of returns only, and give the Representative seats to those who, on casting up the same, shall be entitled, leaving the persons who may see cause to contest the merits of the election by petition, according to the law of Parliament, and thus secure to the people of this state their just Representation pending such contest.

And be it Resolved, by the authority aforesaid, That the House of Representatives of the United States "possesses the power in its fullest extent, and has alone that power," "to judge of the elections, returns, and qualifications of its members," which necessarily includes that of determining the time and manner of so judging, and any attempt by state functionaries or state legislatures to prescribe a different time or manner for their exercising that power, is unconstitutional, and a new and covert attempt at nullification in its most odious sense, nor can such powers be circumscribed by the forms or ceremonies of a commission, or certificate, or return of an election, made under state authority so as to conceal the truth from their investigation, or to confer any temporary protection or immunity from such exclusive power, and that all power of the state or its functionaries over the elections terminates with closing the polls, and taking account of and casting up the number of votes given in for each candidate, and then the exclusive right of the House of Representatives commences to judge, who, under all the circumstances of the case, has a right to membership: and whenever such right is bona fide questioned before qualification of a member, it must be settled before his qualification, according to the uniform usage of Congress; and that a commission, return or certificate, does not confer a title to membership or a seat in Congress, but is only a circumstance of evidence: and that such delay as is unavoidably incident to the investigation of such right is not a denial of justice, but a means of doing justice; and that the proceedings in the House of Representatives in relation to the contested rights to seats in that body by those claiming to be representatives of the people of the State of New-Jersey in the twenty-sixth Congress is neither unconstitutional, unwarrantable, or unjust, and does not take away from the remaining representatives from the several states the right or authority to exercise any of the powers conferred upon a constitutional House of Representatives, nor does it abridge or infringe upon any rights of the State of New-Jersey, which, by the constitutional compact, hath voluntarily constituted the House of Representatives the exclusive judges of such questions, without appeal or nullification by said state.

And be it Resolved, by the authority aforesaid, That the doctrine contained in the message of his Excellency, William Pennington, Governor of the State of New-Jersey, to the Legislature thereof, dated the 14th inst., that, "whether, therefore, the decision of the functionaries of the people in granting certificates to Messrs. Ay-crigg, Halsted, Maxwell, Stratton, and Yorke, was right or wrong, Congress at all events is bound to receive the credentials thus furnished, as the mandate of the state to them; that they admit their representatives to their seats, until others can show a better title," is a palpable violation of the Constitution of the United States, of

the solemn compact made by the State of New-Jersey with her sister states, an assumption of executive prerogative and infallibility at war with the fundamental principles of our republican institutions, unwarranted by any state law, and wrests the right of suffrage from the people, and vests it in their functionary, and is of a most alarming and dangerous tendency, and the legislature, as the guardians of the rights of the people, in their highest sovereign capacity feel bound in the most respectful manner, solemnly to protest against the same as unconstitutional, arbitrary, unfounded, and destructive of the rights of the people, and the principles of their institutions.

And be it Resolved by the authority aforesaid, That the thanks of this Legislature, and those we represent, are due to Peter D. Vroom, William R. Cooper, Daniel B. Ryall, Philemon Dickerson, and Joseph Kille, our members of Congress elect, for their firm, yet discreet, dignified, and honorable course, in asserting the rights of themselves and of the sovereign people of New-Jersey: and we hereby request them not to leave their posts or cease their efforts until ample justice is done to the state in their admission to their seats in the House of Representatives.

Mr. Kennedy moved that the substitute of Mr. Price be printed.

On which question the Yeas and Nays stood as follows, viz.

#### Yeas.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

#### Nays.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

So it was determined in the negative.

While this subject was under consideration,

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Price, from the committee to whom had been referred the petition of John Wilson for a divorce from his wife Eleanor C. Wilson,

Reported a bill, entitled

"An act to dissolve the marriage contract between John Wilson and Eleanor C. Wilson his wife."

Which was read, and ordered to have a second reading.

The unfinished business of the morning came up for consideration—

Mr. Price moved that Council do now adjourn.

On which question the vote stood as follows, viz.

**Yeas.**

Messrs. Price,  
Oliphant,  
Taylor,

Messrs. Lambert,  
Snyder,  
Haines,  
Kennedy.—7.

**Nays.**

Messrs. Armstrong,  
Appleget,  
Irick,  
Porter, (V. P.)

Messrs. Miller,  
Barber,  
Board,  
McChesney.—8.

So it was determined in the negative.

A further motion to adjourn was made :

Which was determined in the negative as follows—

**Yeas.**

Messrs. Price,  
Oliphant,

Messrs. Lambert,  
Snyder.—4.



**Nays.**

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)

Messrs. Miller,  
 Barber,  
 Haines,  
 Kennedy,  
 Board,  
 McChesney.—11.

On the motion to strike out the second Resolution,  
 The yeas and nays being required to be entered on the Journal, were as follows :

**Yeas.**

Messrs. Price,  
 Oliphant,  
 Lambert,

Messrs. Snyder,  
 Haines,  
 Kennedy.—6.

**Nays.**

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,

Messrs. Porter, (V. P.)  
 Miller,  
 Barber,  
 Board,  
 McChesney.—9.

So it was determined in the negative.

The question recurring on agreeing to the second resolution the yeas and nays were as follows, viz.

**Yeas.**

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,

Messrs. Porter, (V. P.)  
 Miller,  
 Barber,  
 Board,  
 McChesney.—9.

**Nays.**

Messrs. Price,  
 Oliphant,  
 Lambert,

Messrs. Snyder,  
 Haines,  
 Kennedy.—6.

So it was determined in the affirmative.

Mr. Haines moved to strike out the third Resolution—  
On which the yeas and nays were as follows, viz.

## YEAS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

## NAYS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

So it was determined in the negative.

The third Resolution was then agreed to, as follows, viz.

## YEAS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

## NAYS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

On the adoption of the fourth Resolution, the vote stood as follows, viz.

## YEAS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

## NAYS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

So it was determined in the affirmative.

On the adoption of the fifth Resolution, the votes stood as follows, viz.

## YEAS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

## NAYS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

So it was determined in the affirmative.

On the adoption of the sixth Resolution, the vote stood as follows, viz.

## YEAS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

## NAYS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

So it was determined in the affirmative.

Mr. Haines moved to strike out a part of the seventh Resolution, for the purpose of amendment—

On which the Yeas and Nays were demanded, and stood as follows, vtz.

## YEAS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

## NAYS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber.  
Board,  
McChesney.—9.

So it was determined in the negative.

Mr. Price moved that Council adjourn—

On which the vote stood as follows, viz. :

## YEAS.

Messrs. Price,

Messrs. Oliphant,  
Lambert.—3.

## NAYS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter, (V. P.)  
Snyder,

Messrs. Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
McChesney.—12.

So it was determined in the negative.

Mr. Haines moved to amend the seventh Resolution, by striking out after R. M. T. Hunter, "a Representative from Virginia," and inserting "Speaker of the House of Representatives of the United States."

On which question, the Yeas and Nays stood as follows, viz.

## YEAS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

## NAYS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board.  
McChesney.—9.

So it was determined in the negative.

On agreeing to the seventh Resolution, it was determined in the affirmative as follows, viz.

## YEAS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

## NAYS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

Mr. Haines moved to amend the eighth Resolution by inserting after the word, "*thereof*," "Certified under the great seal of the State."

Which motion was not agreed to.

**YEAS.**

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

**NAYS.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Barber,

Messrs. Porter, (V. P.)  
Irick,  
Miller,  
Board,  
McChesney.—9.

On the question, Shall the eighth Resolution be agreed to,  
the vote stood as follows, viz.

**YEAS.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

**NAYS.**

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

So it was determined in the affirmative.

On the question, Shall the Preamble be agreed to ?

The vote stood as follows, viz.

**YEAS.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

**NAYS.**

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

So it was determined in the affirmative.

On the question, Shall this Preamble and these Joint Resolutions be ordered to have a third reading ?

The vote stood as follows :

**YEAS.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

**NAYS.**

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

So it was determined in the affirmative.

It was moved that this Preamble and these Joint Resolutions be now read a third time.

On which question the vote stood as follows, viz.

**YEAS.**

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

## NAYS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

So it was determined in the affirmative.

On the question, Shall this Preamble and these Joint Resolutions pass ?

It was determined in the affirmative as follows, viz.

## YEAS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.—9.

## NAYS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy.—6.

Ordered, That the Vice President sign said Preamble and Joint Resolutions.

Ordered, That the Secretary inform the House of Assembly that Council have passed the said Preamble and Joint Resolutions, without amendment.

At half-past nine o'clock, a motion was made to adjourn—on which motion the vote stood as follows :

## YEAS.

Messrs. Porter, (V. P.)  
Taylor,  
Lambert,

Messrs. Snyder,  
Miller,  
Barber,  
Board.—7.



## NAYS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,

Messrs. Irick,  
Haines,  
Kennedy,  
McChesney.—8.

So it was determined in the negative.

Mr. Kennedy then moved that when Council do adjourn, it shall adjourn to meet on Monday next, at three o'clock.  
On which question, the Yeas and Nays were as follows, viz.

## YEAS.

Messrs. Lambert,

Haines,  
Kennedy.—3.

## NAYS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Snyder,  
Miller,  
Barber,  
Board,  
McChesney.—12.

So it was determined in the negative.

Council then adjourned to ten o'clock to-morrow morning.

**FRIDAY, January 24, 1840.**

*At ten o'clock Council met.*

The engrossed bill, entitled  
 “An act to divorce Mary R. Sturges from her husband John  
 Sturges,”

Was read a third time and compared,

On the question, Shall this bill pass ?

It was determined in the affirmative, as follows, viz.

**YEAS.**

Messrs. Price,  
 Oliphant,  
 Taylor,  
 Irick,  
 Lambert,

Messrs. Snyder,  
 Miller,  
 Kennedy,  
 Haines,  
 Ireland.—10.

**NAYS.**

Messrs. Armstrong,  
 Appleget,  
 Porter, (V. P.)

Messrs. Corson,  
 Barber,  
 Board,  
 McChesney.—7.

Ordered, That the Vice President sign said bill, and the  
 Secretary inform the House of Assembly that Council have  
 passed the same,

And request their concurrence,

**The engrossed bill entitled**  
**“An act to incorporate the Lodi Manufacturing Company,**  
**for purposes of Agriculture,”**

**Was called up on its final passage.**

**On the question, Shall this bill pass?**

**It was determined in the affirmative, as follows, viz.**

**YEAS.**

**Messrs. Price,**  
**Appleget,**  
**Oliphant,**  
**Taylor,**  
**Irick,**

**Messrs. Snyder,**  
**Barber,**  
**Board,**  
**Kennedy,**  
**Lambert,**  
**McChesney.—11.**

**NAYS.**

**Messrs. Armstrong,**  
**Miller,**

**Messrs. Haines,**  
**Porter, (V. P.)**  
**Ireland.—5.**

**Ordered, That the President sign said bill, and that the**  
**Secretary inform the House of Assembly that Council have**  
**passed said bill,**

**And request their concurrence.**

**Mr. Kennedy asked and obtained leave to take from the**  
**Council Chamber for a short time, the substitute offered yea-**  
**terday by Mr. Price for the second of the Joint Resolutions**  
**from the House of Assembly,**

**The bill entitled**

**“An additional supplement to an act, entitled an act to reg-**  
**ulate the Fisheries in the River Delaware and for other purpo-**  
**ses, passed the 26th of November, 1808,”**

**Was taken up, the consideration of it progressed in, and on**  
**motion postponed.**

**Council adjourned to three o'clock this afternoon.**

*At three o'clock Council met.*

**Mr. McChesney** called up bill No. 5 of Unfinished Business, entitled

“An act to authorize the business of Banking in the State of New-Jersey.”

Which bill was referred to the Committee on Corporations.

**Mr. Price** called up bill No. 1 of Unfinished Business, entitled

“An act for the relief of Cæsar Jackson, of Bergen county.”

Which bill was referred to the Committee on the Judiciary.

**Mr. Irick** called up bill No. 6 of Unfinished Business, entitled

“A Supplement to an act, entitled an act to establish Public Schools, passed March 1st, 1858.”

Which bill was referred to the Committee on Education.

**Council adjourned to three o'clock on Monday afternoon.**

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**MONDAY, January 27, 1840.**

*At three o'clock Council met.*

**Mr. Armstrong**, with leave, presented a Report of the Trustees of the Theological Seminary at Princeton.

Which was read, and ordered to lie on the table.

**Mr. Armstrong** presented a memorial from a large number of the citizens of Newark, asking for a law to abolish imprisonment for debt.

Which was read and referred to the committee on that subject.

Mr. McChesney presented a remonstrance from a number of citizens, against the passage of a law authorizing another Bridge to be built across the River Delaware at the city of Trenton.

Which was read, and ordered to lie on the table.

Council adjourned to ten o'clock to-morrow morning.



**TUESDAY, January 28, 1840.**

*At ten o'clock Council met.*

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

Mr. Armstrong, from the committee on the Judiciary, to whom had been referred the bill, entitled

“An act to confirm and establish a codicil to the last will and testament of Job Irick, late of the county of Burlington, deceased,”

Reported the same without amendment.

The bill entitled

“An act to confirm the last will and testament of Hendrick Booraem, late of the city of New-York, deceased,”

Was read a second time and considered.

Ordered, That said bill be engrossed and have a third reading.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Price, from the majority of the committee to whom had been referred the petition of John Newkirk, Jr. for a divorce, Reported a bill entitled

“An act to divorce John Newkirk, Junior, from his wife, Sarah Newkirk.”

Which bill was read, and ordered to have a second reading.

Council adjourned to ten o'clock to-morrow morning.

WEDNESDAY, January 29, 1840.

*At ten o'clock Council met.*

A message from the House of Assembly, by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the following bills, viz.

“An act to extend the term of office of the Surveyors of the Highways of the county of Monmouth,”—and

“An act to authorize the administrator of Johnson Robbins, deceased, to convey a certain farm and tract of pine land therein mentioned.”

To which bills the concurrence of Council is requested.

That the House of have also passed the bill from Council entitled

“An act to divorce Mary R. Sturges from her husband John Sturges,”

Without amendment.

The bill from the House of Assembly, entitled  
 "An act to extend the term of office of the Surveyors of the  
 Highways of the county of Monmouth,"

Was read, and

Referred to the Committee on the Judiciary.

The bill from the House of Assembly, entitled

"An act to authorize the administrator of Johnson Robbins,  
 deceased, to convey a certain farm and tract of pine land therein  
 mentioned,"

Was read, and

Referred to the Committee on the Judiciary.

Mr. Armstrong, from the committee on the Judiciary, to  
 whom had been referred the petition of William Arey, Daniel  
 Elmer, administrator, &c.

Reported a bill, entitled

"An act to authorize Daniel Elmer, administrator of David  
 Compton, deceased, to fulfil certain contracts of said deceased."

Which bill was read, and ordered to have a second reading.

Mr. Irick, with leave, presented a bill, entitled

"A supplement to the act entitled an act to incorporate the  
 Burlington Silk Growing & Manufacturing Company," passed  
 February 5th, 1839.

Which was read, ordered a second reading, and referred to  
 the Committee on Corporations.

Mr. Miller, with leave, presented a bill entitled

"A supplement to the act entitled, 'an act constituting  
 courts for the trial of small causes,'

Which was read—

Ordered to have a second reading, and referred to the Com-  
 mittee on the Judiciary.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Armstrong, from the committee on the Judiciary, to  
 whom had been referred No. 1 of unfinished business of last year,  
 Reported a bill, entitled

"An act for the relief of Cæsar Jackson of Bergen county."  
 Which bill was read and ordered to have a second reading.  
 The fifteenth rule being dispensed with, the bill entitled  
 "An act for the relief of Cæsar Jackson, of Bergen county,"  
 Was read a second time, considered, and ordered to be engrossed, and have a third reading.

The bill entitled

"An act to confirm and establish a codicil to the last will and testament of Job Irick, late of the county of Burlington deceased,"

Was read a second time, and considered

Ordered; said bill be engrossed and have a third reading.

Council adjourned to ten o'clock to-morrow morning.

**THURSDAY, January 30, 1840.**

*At ten o'clock Council met.*

Mr. Barber presented a petition from sundry citizens of Bridgeton, Cumberland county, praying for an act to incorporate the Franklin Beneficial Society of that place,

Which was read, and

Referred to the Committee on Corporations.

A message was received from the House of Assembly, by Mr. Coppuck their clerk, informing Council that the House of Assembly have adopted the following resolution, viz :

"Resolved, That the Council be respectfully requested to send to this House the documents accompanying the Governor's Message, dated the 14th instant."

Which Message and resolution was read and ordered to lie on the table.



Mr. Armstrong, from the Committee on the Judiciary, to whom had been referred the bill from the House of Assembly, entitled,

"An act to authorize the administrators of Johnson Robbins, deceased, to convey a certain farm and tract of pine land therein mentioned,"

Reported the same without amendment.

Which bill was ordered to have a second reading.

The engrossed bill entitled

"An act to confirm and establish a codicil to the last will and testament of Job Irick, late of the county of Burlington, deceased,"

Was read a third time, compared, and postponed.

The Engrossed Bill entitled

"An act for the relief of Cæsar Jackson, of Bergen county,"

Was read a third time, compared, and postponed.

Mr. Armstrong offered the following :

*Resolved*, That the Secretary do deliver to the House of Assembly the documents accompanying the Governor's Message, dated the 14th instant.

Which Resolution was read and agreed to.

Council adjourned to three o'clock this afternoon..

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*At three o'clock Council met:*

Mr. Miller presented a petition from Peter J. Clarke, on behalf of the Neshanic Mining Company, of Hunterdon county, praying for additional power from the Legislature,

Which was read, and

Referred to the Committee on Corporations.

**The bill entitled**

**"An act to authorize Daniel Elmer, administrator of David Compton, deceased, to fulfil certain contracts of said deceased,"**

Was read a second time, considered by sections and ordered to be engrossed and have a third reading.

Mr. Price presented a remonstrance from the citizens of Bergen county, against a law passed by the legislature of New-Jersey, granting to Col. Aaron Ogden the right of the State of New-Jersey to certain lands covered by water on the shores of Bergen county,

Which was read, and

Referred to Messrs. Price, Appleget and Barber.

Council adjourned to ten o'clock to-morrow morning.

**FRIDAY, January 31, 1840.**

*At ten o'clock Council met.*

A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly had passed a bill entitled

**"An act to set off from the township of Harrington, in the county of Bergen, a new township to be called the township of Washington,"**

Without amendment.

That the House of Assembly have also passed the following bills, viz :

**"An act to incorporate the Pedrickton Steam Mill Association,"**

**"An act to authorize and empower Joseph Davis and Harriet Emley, administrators of Stratton Emley, late of the county of Monmouth, deceased, 'to convey certain real estate of said deceased'," and**

**"An act to divorce Ann Stivers from her husband, Samuel Stivers."**

To which bills the concurrence of Council is requested.

The bill from the House of Assembly, entitled

**"An act to incorporate the Pedrickton Steam Mill Association,"**

Was read, and

Referred to the Committee on Corporations.

The bill from the House of Assembly, entitled

**"An act to authorize and empower Joseph Davis and Harriet Emley, administrators of Stratton Emley, deceased, to convey certain real estate of said deceased,"**

Was read, and

Referred to the Committee on the Judiciary.

The bill from the House of Assembly, entitled

**"An act to divorce Ann Stivers from her husband, Samuel Stivers,"**

Was read, and

Referred to Messrs. Price, Appleget and Barber.

The Vice President presented a remonstrance from Eleanor C. Wilson, against granting a divorce to her husband, John Wilson.

Which was ordered to lie on the table.

The Vice President presented the bond of Isaac Southard, the Treasurer of the State,

Which was read and approved.

Ordered, That the Secretary carry the same to the House of Assembly for their approval.

Mr. Armstrong presented two petitions from the Anti-Slavery Society of New-Jersey, requesting an alteration in certain existing laws of this state in relation to slaves and free people, and also, the passage of a law to prevent the disturbing of meetings of citizens convened for lawful purposes:

Which were severally read, and

Referred to the committee on the Judiciary.

The Vice President presented a petition from a number of citizens of New-Jersey, containing similar requests, which was read, and referred to the same committee.

Mr. Taylor from the Joint Committee to whom had been referred the report, statement of sales and vouchers of the commissioners appointed last year to dispose of the State lands at Paterson made the following

## REPORT :

The Joint Committee of Council and Assembly, to whom was referred the report of the Commissioners appointed by an act, entitled an "act relating to the lands belonging to the state, situate in the township of Paterson, in the county of Passaic," ask leave to present the following report :

By the 4th section of the act, entitled an "act relating to the lands belonging to the State situate in the township of Paterson, in the county of Passaic;" the Commissioners are directed without delay, to deliver to the Treasurer of the State, the purchase money and securities arising from the sale of said lands : and also a written report of their proceedings ; all of which your Committee are happy to say have been complied with to the full extent of the law, as will be seen in the report and receipt of the Treasurer, as herewith annexed, and marked exhibit E. on book of minutes.

Upon an examination of the proceedings of the Commissioners, submitted for our consideration ; your Committee take great pleasure in observing, that the accounts have been fairly and accurately stated, vouchers have been exhibited for each disbursement, and their acts, in the preparation and sale of the property, seemed to have been well timed and judiciously managed. Under this impression we think much praise and gratitude are due to them for their skill and wisdom in the management of a large and responsible trust. Which, we believe, is manifested by the consideration that the property cost the state in the year 1816 eleven thousand dollars, and has been disposed of in 1839 for the large sum of twenty-nine thousand six hundred and fifty-six dollars and fifty-six cents : more than the original cost with interest.

Your Committee, desirous of settling the subject of compensation for services, &c., &c., with the commissioners, while present with us, to their satisfaction, and not to involve the funds of the State beyond what might seem proper and necessary, and at the same time contribute such a sum as might be considered generous for an arduous and responsible duty ; did believe that the payment of their expenses for travelling to and from their places of residence to the town of Paterson, where their business was transacted, was just and proper—adding, for time and responsibility, three dollars per diem, while employed in the public service.

Having received an account from them of their travelling expenses to and from their places of residence, and adding three dollars

per diem for time, &c., your Committee, influenced by the amount of funds deposited, which must necessarily have involved great responsibility and considerable personal service; do recommend the adoption of the following joint resolution:

*Resolved*, That the Treasurer of this State be authorized to pay out of any funds not otherwise appropriated, the following sums, viz: To Lucius Q. C. Elmer, one hundred and seventy dollars, to Joseph Saunders one hundred and sixty six dollars, to William Brittin one hundred and five dollars, to William Stiles one hundred dollars, and to Andrew Parsons one hundred dollars in full, for their services and travelling expenses in disposing of the lands belonging to the State, situate in the township of Paterson in the county of Passaic.

All of which is respectfully submitted.

AUG'S. R. TAYLOR, Chairman.

30th January, 1840.

Which was read, and agreed to.

The Joint Resolution accompanying said report, providing for the payment of the commissioners, was read.

Ordered said joint resolution have a second reading.

The engrossed bill entitled

“An act to confirm and establish a codicil to the last will and testament of Job Irick, late of the county of Burlington, deceased,”

Was taken up—

On the question, Shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz.

#### YEAS.

Messrs. Price,  
Armstrong,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber.  
Board,  
McChesney.—9.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill, and request their concurrence.

The engrossed bill, entitled

“An act for the relief of Caesar Jackson, of Bergen county,”

Was taken up, and

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney.— 9.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

And request their concurrence.

The engrossed bill entitled

“An act to authorize Daniel Elmer, administrator of David Compton, deceased, to fulfil certain contracts of said deceased,”  
Was read a third time, compared, and postponed.

The bill from the House of Assembly entitled

“An act to authorize the administrators of Johnson Robins, deceased, to convey a certain farm and tract of pine land therein mentioned,”

Was read a second time—considered by sections—and

Ordered to have a third reading.

Council went into a Court of Pardons, and after some time spent therein, Council came to order, and

Adjourned to three o'clock this afternoon.

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*At three o'clock Council met,*

Council went into a Court of Pardons, and after some time spent therein, Council came to order.

The fifteenth rule was suspended, and

The bill from the House of Assembly, entitled

"An act to authorize the administrators of Johnson Rebbins, deceased, to convey a certain farm and tract of pine land therein mentioned,"

Was read a third time, with the documents, and postponed.

Council adjourned to three o'clock on Monday afternoon.

MONDAY, February 3, 1840.

*At three o'clock Council met.*

There not being a quorum for the transaction of business,

Council adjourned to ten o'clock to-morrow morning.

TUESDAY, February 4, 1840.

*At ten o'clock Council met.*

The Joint Resolution authorizing the payment of the commissioners for the sale of the State lands at Paterson,

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

Mr. Armstrong asked and obtained leave to withdraw from the files of Council the affidavit accompanying the petition of Hugh Aggins, of the county of Gloucester, made in the year 1838, for a pension.

A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had passed the bill from Council entitled

“An act for the relief of Cæsar Jackson, of Bergen county,”  
Without amendment.

Mr. Armstrong, with leave, presented a bill, entitled

“A further supplement to an act, entitled an act concerning idiots and lunatics.”

Which was read, and

Referred to the Committee on the Judiciary.

Mr. McChesney with leave presented a bill, entitled

“A supplement to an act entitled an act to incorporate the city of Trenton,”

Which was read, and

Referred to the Committee on Corporations.

Mr. Haines, with leave presented a bill entitled

“A supplement to an act passed the 16th of March, 1795, entitled an act concerning distresses,”

Which was read, and

Referred to the Committee on the Judiciary.

Mr. Miller, from the Committee on Corporations, to whom had been referred the petition of Peter I. Clarke on behalf of the Neshanic Mining Company, reported a bill entitled

“An act supplementary to an act, entitled an act to incorporate the Neshanic Mining Company, of the county of Hunterdon, passed the 29th of February, A. D. 1836.”

Which was read, and

Ordered to have a second reading.

Council adjourned to three o'clock this afternoon.



*At three o'clock Council met.*

The Vice President laid before Council the following communication from his Excellency, Governor Pennington, viz :

TRENTON, Feb.<sup>3</sup>, 1840.

Sir:—I have the honor to inform you that in obedience to the request of the legislature, I enclosed a copy of their Joint Resolutions to the Hon. R. M. T. Hunter, a Representative from Virginia to the 26th Congress, and have received from him a letter, a copy of which I herewith transmit.

With high consideration, your obedient serv't,

WM. PENNINGTON.

To Hon. Joseph Porter, Vice President of Council.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES. }  
Washington, January 30, 1840. }

To his Excellency, Governor Pennington :

Sir—I have received through you the resolutions of the Council and General Assembly of New-Jersey, a copy of which was ordered to be transmitted to “the Hon. R. M. T. Hunter, a Representative from the State of Virginia, with a request that he will lay the same before the other representatives from the several states, now assembled at Washington.”

As an individual or as a member from the State of Virginia, I should always esteem it a distinguished honor to be selected as the organ through whom the sovereign State of New-Jersey might be pleased to express its wishes and opinions. But as I have no right to suppose that the Council and General Assembly of New-Jersey, have designed thus to distinguish me individually, and to the exclusion of the honorable member from that State, who, with others constitute the present House of Representatives ; I feel bound to conclude upon this consideration and from the general terms of the resolutions themselves, that they were sent to me on account of the station which I at present occupy. Under these circumstances I beg leave most respectfully to decline to lay these resolutions before the House over which I have the honor to preside, as virtually, they seem to deny my title to the office of Speaker, and the right of those who have invested me with that trust.

The House of Representatives of the United States of America having elected a Speaker, has a right to expect that all communications made to it, through its organ, should be addressed to him in his official capacity. Under this view of the case, it would seem that I cannot comply with the request of the Council and General Assembly of New-Jersey, with a due regard to the dignity of the House, or without admitting by inference, that it had conferred upon me authority which it had no right to give, and that I myself am discharging the functions of an office, to which I have no title. These are admissions which I am not prepared to make.

In thus stating my views in reference to the request made of me, I raise no question as to the propriety of the resolutions themselves, or as to the right of the Council and General Assembly of New-Jersey to adopt them. I only refer to them as they relate to my official station to show that I am influenced by no want of respect for the constituted authorities of the State of New-Jersey, but governed entirely by a sense of duty to the House of which I am the organ, and which may expect that I shall not lay before them communications which refuse to accredit me as such. I am not disposed to cavil about mere matters of form, nor do I imagine that a personal disrespect was intended to be offered to me by those whose station and dignity alike forbid such a supposition. But when an omission of form seems designed as a mode of decrying the rights and privileges of the House of Representatives, of which I am the organ, it becomes my duty to do nothing which may recognize the propriety of such an omission.

I have retained the copy of the Resolutions transmitted to me until I shall be further advised by your Excellency of any disposition which it may be purposed to make of them.

In conclusion I beg leave to express my regret that I should be unable to comply with any request made of me by the Council and General Assembly of New-Jersey.

I have the honor to be with great respect,

Your obedient servant,

R. M. T. HUNTER.

Which was read, and ordered to lie on the table.

Mr. Taylor, from the committee on the Judiciary to whom had been referred the bill from the House of Assembly entitled

“An act to authorize and empower Joseph Davis and Harriet Emley, administrators of Stratton Emley, late of the

county of Monmouth, deceased, to convey certain real estate of said deceased,"

Without amendment.

Which was read, and ordered to have a second reading.

Mr. Haines, from the same committee, to whom had been referred the bill, entitled

"A further supplement to an act entitled an act concerning idiots and lunatics,"

Reported the same.

The engrossed bill, entitled

"An act to confirm the last will and testament of Hendrick Booraem, late of the city of New-York, deceased,"

Was read a third time and compared.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

#### YEAS.

Messrs. Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Board,  
Haines,  
Ireland,  
McChesney.—13.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill from the House of Assembly, entitled

"An act to authorize Peter McClees and Robert Allen to build a Dock upon and in front of their lands on Shrewsbury River,"

Was read a second time—considered by sections—and  
Ordered to have a third reading.

Mr. Price from the committee to whom had been referred the petition of Caroline Campfield for a divorce,

Reported adverse to the prayer of said petition,

Which report was agreed to and the applicant's papers withdrawn.

Mr. Price, from the committee to whom had been referred the bill from the House of Assembly, entitled

"An act to divorce Ann Stivers from her husband, Samuel Stivers,"

Reported the same without amendment.

Which bill was read, and ordered to have a second reading.

Mr. Armstrong, with leave presented a bill entitled,

"A further supplement to the act, entitled act to regulate Elections, passed March 12, 1839,"

Which was read, and ordered to have a second reading.

Council adjourned to ten o'clock to-morrow morning.

**WEDNESDAY, February 5, 1840.**

*At ten o'clock Council met.*

Mr. Kennedy moved that the communication from the Governor, which was yesterday read and laid on the table, be taken up for the purpose of having it printed and referred to a Committee,

On which motion, the Yeas and Nays being called stood as follows:

**YEAS.**

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland.—7.

**NAYS.**

Messrs. Armstrong,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney.—9.

So it was determined in the negative.

**The Joint Resolution providing for the payment in full of the Commissioners appointed last year to sell the State lands at Paterson,**

**Was read a third time, and compared.**

**On the question, Shall this Joint Resolutions pass ?**

**It was determined in the affirmative by the votes of all the members present, viz.**

#### **YEAS.**

**Messrs. Price,  
Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.),  
Lambert,  
Corson,**

**Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—16.**

**Ordered, That the Vice President sign said Joint Resolution, and that the Secretary inform the House of Assembly of the passage thereof, and request their concurrence.**

**The bill from the House of Assembly, entitled**

**“An act to authorize Peter McClees and Robert Allen to build a Dock upon and in front of their lands on Shrewsbury River,”**

**Was read a third time.**

**On the question, Shall this bill pass ?**

**It was determined in the affirmative, by the votes of all the members present, viz.**

#### **YEAS.**

**Messrs. Price,  
Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.),  
Lambert,  
Corson,**

**Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—16.**

**Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,**

**Without amendment.**

The bill from the House of Assembly, entitled

"An act to authorize the administrators of Johnson Robbins, deceased, to convey a certain farm and tract of pine land therein mentioned,"

Was taken up.

On the question, Shall this bill pass?

It was determined in the affirmative, as follows, viz.

#### YEAS.

Messrs. Price,  
Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Barber,  
Kennedy,  
Board,  
Ireland,  
McChesney.—14.

#### NAYS.

Messrs. Miller,

Haines.—2.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill entitled

"An additional supplement to an act, entitled an act to regulate the Fisheries in the River Delaware and for other purposes, passed the 26th of November, 1808,"

Was taken up, and indefinitely postponed.

The bill entitled

"A further supplement to an act, entitled an act concerning idiots and lunatics,"

Which was read a second time, considered and postponed.

The bill entitled

"A further supplement to the act, entitled an act to regulate Elections, passed March 12, 1839,"

Was read a second time, and while under consideration, postponed.

The bill from the House of Assembly entitled

"An act to authorize and empower Joseph Davis and Harriet Emley, administrators of Stratton Emley, late of the county of Monmouth, deceased, to convey certain real estate of said deceased,"

Was read a second time, considered, and ordered to have a third reading.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Taylor presented a petition from Jonathan W. Miller, praying for a divorce from his wife, Martha Miller.

Mr. Miller presented a remonstrance from Martha Miller, the wife of said petitioner, against said petition of Jonathan W. Miller.

Which were read, and

Referred to Messrs. Price, Appleget and Barber.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bills from the House of Assembly, entitled

"An act to incorporate the Pedrickton Steam Mill Association," and

"An act to incorporate the New-Jersey, Delaware, and Pennsylvania Steamboat Company,"

Reported the same.

Which were ordered to have a second reading.

Mr. McChesney, with leave, presented a bill, entitled

"An act to amend an act entitled, a supplement to an act, entitled an act making provisions for the deposit and distribution of so much of the Surplus Revenue of the United States, as now is, or may hereafter be apportioned to and received by

this state, passed the 10th day of March, 1837; which supplement was passed the 7th day of March, 1839."

Which was read, and

Referred to the committee on the Judiciary.

On motion of Mr. Price, No. 7 of Unfinished Business, of last year, being a Joint Resolution in relation to taking an agricultural survey of the State,

Was taken up, and

Referred to the Committee on Agriculture.

The bill, entitled

"A further supplement to an act entitled, an act concerning idiots and lunatics,"

Was read a second time, considered by sections, and

Ordered to be engrossed and have a third reading.

Mr. Price moved to dispense with the 26th Rule of Council for the purpose of taking up the bill from the House of Assembly, entitled

"An act to divorce Ann Stivers from her husband, Samuel Stivers."

On which motion the Yeas and Nays stood as follows, viz.

#### YEAS.

Messrs. Price,  
Oliphant,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Barber,  
Ireland.—8.

#### NAYS.

Messrs. Armstrong,  
Taylor,  
Miller,

Messrs. Haines,  
Kennedy,  
Board,  
McChesney.—7.

So it was determined in the negative, two-thirds being necessary to dispense with the rule.

Council adjourned to ten o'clock to-morrow morning.



**THURSDAY, February 6, 1840.**

*At ten o'clock Council met.*

Mr. Miller presented a petition from Jared Haines for a divorce from his wife Eliza.

Which was read, and

Referred to Messrs. Price, Appleget and Barber.

Mr. Lambert presented a petition from William Smick, of Salem county, praying for a pension.

Which was read—and

Referred to the committee on Claims and Pensions.

The Governor laid before Council a circular, letter, &c. from Daniel Brent, Consul of the United States at Paris, dated July 5th, 1839.

Which was read, and

Referred to the Committee on the Judiciary.

Mr. Price offered the following :

*Resolved*, That the special committee to whom were referred sundry petitions of inhabitants of Bergen, praying the repeal of "An act to release to Aaron Ogden, the right of the State of New-Jersey of, in and to a certain lot of land covered with water in the Bay of New-York," be authorized and directed to procure the written opinion of the Attorney General of this State, whether the Legislature can constitutionally repeal said act.

Which was read and agreed to.

The bill from the House of Assembly, entitled

"An act to authorize and empower Joseph Davis and Harriet Emley, administrators of Stratton Emley, of the county of Monmouth, deceased, to convey certain real estate of said deceased,"

Was taken up, read and postponed.

The engrossed bill, entitled

"A further supplement to an act entitled an act concerning Idiots and Lunatics,"

Was read a third time, and compared.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

### YEAS.

Messrs. Armstrong,  
Oliphant,  
Irick,  
Porter, (V. P.)  
Lambert,  
Corson,  
Ireland,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
McChesney.—14.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

And request their concurrence.

The bill from the House of Assembly, entitled

“An act to incorporate the Pedrickton Steam Mill Association,”

Was read a second time, the consideration thereof progressed in, and postponed.

Council adjourned to three o'clock this afternoon.



*At three o'clock Council met.*

A message from the House of Assembly by Mr. Coppuck, their clerk, informed Council that the House of Assembly had passed the following bills, viz:

“An act to authorize the Mayor and Common Council of the city of Newark to borrow money;”

“A further supplement to an act entitled an act to incorporate the Paterson Fire Association, passed Nov. 3d, 1881,” &

**"An act to authorize the respective townships in the county of Monmouth to borrow money."**

To which bills the concurrence of Council was requested.

That the House of Assembly had also passed the bill from Council, entitled

**"An act to incorporate the Lodi Manufacturing Company, for purposes of Agriculture,"**

Without amendment.

The bill from the House of Assembly, entitled

**"An act to authorize the Mayor and Common Council of the city of Newark to borrow money,"**

Was read, and

Referred to the Committee on Corporations.

The bill from the House of Assembly, entitled

**"A further supplement to an act entitled, an act to incorporate the Paterson Fire Association, passed November 3d, 1831,"**

Was read, and

Referred to the Committee on Corporations.

The bill from the House of Assembly, entitled

**"An act to authorize the respective townships in the county of Monmouth to borrow money,"**

Was read, and

Referred to the Committee on the Judiciary.

The bill entitled

**"An act to divorce John Newkirk, Junior, from his wife, Sarah Newkirk,"**

Was read a second time, and on the question, Shall the first and only section be agreed to?

It was determined in the negative as follows—

#### YEAS.

Messrs. Price,  
Oliphant,

Messrs. Lambert,  
Haines,  
Kennedy.—5.

#### NAYS.

Messrs. Armstrong,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Board,  
Ireland,  
McChesney.—11.

Said bill was then dismissed from the files of Council.

**The bill entitled**

**"A further supplement to the act entitled an act to regulate Elections, passed March 12th, 1839,"**  
**Was read and amended.**

**Mr. Haines moved to add the following section, viz.**

**And be it enacted, That no person shall be disqualified from voting by reason of his not having paid any county or state tax assessed against him prior to the first day of such election; but that the payment of any such tax, made before or at the time of voting, shall be taken and deemed sufficient—any thing in the third section of the act to which this is a supplement to the contrary in any wise notwithstanding.**

**On the question of agreeing to said amendment, the votes were as follows, viz.**

**YEAS.**

**Messrs. Price,  
 Oliphant,  
 Lambert,**

**Messrs. Snyder,  
 Haines,  
 Kennedy,  
 Ireland.—7.**

**NAYS.**

**Messrs. Armstrong,  
 Taylor,  
 Irick,  
 Porter, (V. P.)**

**Messrs. Corson,  
 Board,  
 Miller,  
 Barber,  
 McChesney.—9.**

**So it was determined in the negative.**

**Mr. Haines then moved further to amend said bill by adding the following:**

**And be it further enacted, That the third section of the act to which this is a supplement, shall not be construed to prevent any person from voting who shall have attained the age of twenty-one years, after the twentieth day of June next preceding such election—anything in the proviso of the said third section contained, to the contrary in anywise notwithstanding.**

**Which was disagreed to by the following vote:**

## YEAS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland.—7.

## NAYS.

Messrs. Armstrong,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney.—9.

Said bill was then ordered to be engrossed and have a third reading and be reprinted.

Council adjourned to ten o'clock to-morrow morning.

FRIDAY, February 7, 1840.

*At ten o'clock Council met.*

Mr. Taylor presented a petition from John I. Gaston, on behalf of the Somerville Water Power Association, praying for an act of incorporation.

Which was read, and

Referred to the Committee on Corporations.

Mr. Miller presented a petition from the Morristown Fire Association, praying for a supplement to their Charter, to allow them to increase their capital.

Which was read, and  
Referred to the Committee on Corporations.

Mr. McChesney presented a petition from a number of citizens of Trenton, called the Temperance Beneficial Association, praying for an act of incorporation.

Which was read, and  
Referred to the Committee on Corporations.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bills from the House of Assembly, entitled,

“An act to authorize the Mayor and Common Council of the city of Newark to borrow money,” and

“A further supplement to an act entitled, ‘an act to incorporate the Paterson Fire Association, passed November 3, 1821,’”

Reported the same without amendment.

Ordered, said bills have a second reading.

Mr. Miller, from the same Committee to whom had been referred the bill, entitled

“A supplement to an act entitled, ‘an act to incorporate the city of Trenton,’”

Reported the same, which was ordered to have a second reading.

Mr. Haines offered the following :

*Resolved*, (The House of Assembly concurring) That the thanks of the Legislature be tendered to “the Hon. R. M. T. Hunter, a Representative from Virginia,” for his polite and manly letter of the 30th January last, to His Excellency, William Pennington, Governor of this State ; and for the firm, dignified, appropriate and expected manner in which he received and disposed of the Joint Resolutions of this body, passed the 23rd January last.

Which was read, and

On motion of Mr. Armstrong, it was indefinitely postponed by the following vote :

#### YEAS.

Messrs. Armstrong,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Miller,  
Barber,  
Board,  
McChesney.—8.]

## NAYS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland.—7.

The engrossed bill entitled

“An act to authorize Daniel Elmer, administrator of David Compton, deceased, to fulfil certain contracts of said deceased,”  
Was taken up.

On the question, Shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Applegate,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—15.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill from the House of Assembly, entitled

“An act to authorize and empower Joseph Davis and Harriet Emley, administrators of Stratton Emley, late of the county of Monmouth, deceased, to convey certain real estate of said deceased,”

Was taken up.

On the question, Shall this bill pass ?

It was determined in the affirmative by the votes of all the members present, viz.

**YEAS.**

**Messrs.** Price,  
Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

**Messrs.** Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—15.

**Ordered,** That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

And request their concurrence.

The bill from the House of Assembly, entitled

“An act to authorize the Mayor and Common Council of the city of Newark to borrow money,”

Was read a second time, considered by sections and ordered to have a third reading.

The fifteenth rule being dispensed with, said bill was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative, as follows, viz:

**YEAS.**

**Messrs.** Price,  
Armstrong,  
Irick,  
Porter, (V. P.)  
Lambert,

**Messrs.** Board,  
Taylor,  
Miller,  
Barber,  
McChesney.—10.

**NAYS.**

**Messrs.** Oliphant,  
Haines,

**Messrs.** Snyder,  
Kennedy,  
Ireland.—5.

**Ordered,** That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

**Council adjourned to three o'clock this afternoon.**



*At three o'clock Council met.*

A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly had passed the bills from Council entitled

"An act to confirm the last will and testament of Hendrick Booraema, late of the city of New-York, deceased,"

"An act to confirm and establish a codicil to the last will and testament of Job Irick, late of the county of Burlington, deceased,"

"A further supplement to an act, entitled an act concerning Idiots and lunatics,"

The Joint Resolution relative to compensating the commissioners authorized to make sale of the public lands at Paterson, Severally, without amendment:

And that the House of Assembly had passed a bill, entitled "An act for the relief of John Cole, of the county of Hunterdon,"

To which bill the concurrence of Council is requested.

The bill from the House of Assembly, entitled

"An act for the relief of John Cole, of the county of Hunterdon,"

Was read, and

Referred to the committee on Claims and Pensions.

Mr. Board, from the Committee on Agriculture to whom had been referred No. 7 of Unfinished Business of last year; being a Joint Resolution in relation to an Agricultural survey of the State of New-Jersey,

Reported a Joint Resolution, providing for the appointment of a person to make an Agricultural survey of this State.

Which Joint Resolution was read, and

Ordered to have a second reading.

On motion of Mr. Price, No. 2 of Unfinished Business of last year, being a bill entitled:

"An act to incorporate the Ocean Steam Navigation Company of the State of New-Jersey,"

Was taken up and postponed.

The engrossed bill, entitled

"A further supplement to the act, entitled act to regulate Elections, passed March 12, 1839,"

Was read a third time and compared.

A motion was made to postpone said bill, which was determined in the negative as follows:

#### YEAS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland.—7.

#### NAYS.

Messrs. Armstrong,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney.—9.

On the question, Shall this bill pass?

It was determined in the affirmative, as follows:

#### YEAS.

Messrs. Armstrong,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney.—9.

#### NAYS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland.—7.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

And request their concurrence.

Council adjourned to ten o'clock to-morrow morning.

**SATURDAY, February 8, 1840.**

*At ten o'clock Council met.*

**There being no quorum for the transaction of business,**

**Council adjourned to three o'clock on Monday afternoon.**



**MONDAY, February 10, 1840.**

*At three o'clock Council met.*

**The bill from the House of Assembly, entitled**

**“An act to incorporate the Pedrickton Steam Mill Association,”**

**Was taken up, amended, and ordered to have a third reading.**

**Council adjourned to ten o'clock to-morrow morning.**

**TUESDAY, February 11, 1840.**

*At ten o'clock Council met.*

The Governor laid before Council a communication from the acting Governor of Rhode Island,

Which was read, and ordered to lie on the table.

Ordered, That the Secretary carry the same to the House of Assembly.

The Governor also laid before Council two concurrent Acts passed by the Legislature of Pennsylvania, entitled,

"An act giving the assent of this Commonwealth to the act of the Legislature of New-Jersey, entitled 'An act to incorporate the Milford Delaware Bridge Company, of the county of Hunterdon,'" and

"An act giving the assent of this Commonwealth to the act of the Legislature of New-Jersey, entitled, 'An act to incorporate the Columbia Delaware Bridge Company,'"

Which were severally read.

Ordered, That the Secretary carry said acts to the House of Assembly.

Mr. Miller, from the Committee on Corporations, to whom had been referred the petition from the Morris-Town Fire Association,

Reported a bill, entitled

"A supplement to an act entitled an act to incorporate the Morris-Town Fire Association, passed February 27th, 1837,"

Which was read, and

Ordered to have a second reading.

The bill from the House of Assembly, entitled

"An act to incorporate the Pedrickton Steam Mill Association,"

Was read a third time as amended.

On the question, Shall this bill pass?

It was determined in the affirmative, as follows, viz.

**YEAS.**

Messrs. Oliphant,  
Irick,  
Porter, (V. P.)  
Lambert,  
Corson,

Messrs. Taylor,  
Snyder,  
Barber,  
Kennedy,  
Board,  
McChesney.—11.

**NAYS.**

Messrs. Armstrong,  
Miller,

Messrs. Haines,  
Ireland.—4.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

With sundry amendments,

To which amendments the assent of the House of Assembly is requested.

Mr. Oliphant, with leave, presented a bill entitled

“An act directing the payment of a certificate given to William Dobbins for Militia services during the Revolutionary War,”

Which bill was read, and

Referred to the Committee on Claims and Pensions.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Taylor presented a petition from the executors and heirs of John Frelinghuysen, late of the county of Somerset, deceased, praying for a law to authorize a sale of part of the real estate of said deceased.

Which was read, and

Referred to the Committee on the Judiciary.

Mr. Miller, from the Committee on Corporations, to whom had been referred the petition of the Somerville Water Power Association,

Reported a bill entitled

"An act to incorporate the Somerville Water Power Association,"

Which was read, and ordered to have a second reading.

The bill entitled

"An act to incorporate the New-Jersey, Delaware, and Pennsylvania Steamboat Company,"

Was read a second time, and postponed.

Council adjourned to ten o'clock to-morrow morning.

WEDNESDAY, February 12, 1840.

*At ten o'clock Council met,*

Mr. Haines, from the Committee on the Judiciary, to whom had been referred the bill, entitled

"A supplement to the act entitled, 'an act constituting courts for the trial of small causes,'

Reported the same with sundry amendments.

Mr. Armstrong, from the same committee, to whom had been referred the petition of the heirs and executors of John Frelinghuysen, late of Somerset county, deceased,

Reported adverse to said petition, for want of proper notice having been given.

On motion of Mr. Taylor, the papers of said applicants were withdrawn.

Mr. Price, from the committee to whom had been referred the application of Jonathan W. Miller, for a divorce,

Reported a bill, entitled

"An act to divorce Jonathan W. Miller from his wife, Martha Miller,"

Which was read, and

Ordered to have a second reading.

The bill entitled

"A supplement to an act entitled, 'an act to incorporate the Morristown Fire Association: passed February 27th, 1837,'"

Was taken up, the consideration thereof progressed in, and said bill postponed.

A message from the House of Assembly, by Mr. Coppuck their clerk, informed Council that the House of Assembly had agreed to the amendment made by Council to the bill entitled,

"An act to incorporate the Pedrickton Steam Mill Association," in the fifth section; and that they have disagreed to the amendments in the sixth and ninth sections of the same.

The bill from the House of Assembly, entitled

"An act to incorporate the Pedrickton Steam Mill Association,"

Was taken up, considered, and postponed.

On motion of Tayler, it was ordered that the books and papers of the Commissioners for the sale of the state lands at Paterson, be deposited with the Treasurer of the State for safe keeping.

Mr. Armstrong, with leave, presented a bill entitled,

"A supplement to an act entitled, 'an act to ascertain the power and authority of the Ordinary and his Surrogates to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties in this State,'"

Which was read, and ordered to have a second reading.

Council adjourned till half past two o'clock this afternoon.

*At half-past two o'clock Council met.*

Mr. Armstrong, from the committee on the Judiciary, to whom had been referred the petition of Joseph I. Westbrook and Sarah his wife,

Reported a bill entitled

"An act to confirm the last will and testament of Daniel Ennis, late of Owasco, in the State of New-York, deceased."

Which was read, and ordered to have a second reading.

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the following bills, viz:

"An act for the relief of Christopher Philhower, of the county of Hunterdon."

"An act to enable Dennis Coles and Frazee Coles, administrators of the estate of David Martin, deceased, to fulfil a certain contract therein named."

To which bills the concurrence of Council is requested.

The bill from the House of Assembly, entitled

"An act for the relief of Christopher Philhower, of the county of Hunterdon,"

Was read, and

Referred to the committee on Claims and Pensions.

The bill from the House of Assembly, entitled

"An act to enable Dennis Coles and Frazee Coles, administrators of the estate of David Martin, deceased, to fulfil a certain contract therein named,"

Was read, and

Referred to the Committee on the Judiciary.

Council adjourned to ten o'clock to-morrow morning.



**THURSDAY, February 13, 1840.**

*At ten o'clock Council met.*

**Mr. Corson presented a petition from sundry citizens of Cape Island, in the county of Cape May, praying to have Cape Island incorporated.**

**Which was read, and**

**Referred to the Committee on Corporations.**

**Mr. McChesney presented a remonstrance from sundry citizens of Cape May against the above application.**

**Which was read, and referred to the same committee.**

**Mr. Price presented a remonstrance against taking land for public roads, without giving a proper compensation therefor.**

**Which was read, and**

**Referred to Messrs. Price, McChesney and Kennedy.**

**Mr. McChesney presented a petition from the New-Jersey State Agricultural Society, praying for an act of incorporation.**

**Which was read, and**

**Referred to the Committee on Corporations.**

**The bill entitled**

**"An act to dissolve the marriage contract between John Wilson and Eleanor C. Wilson his wife,"**

**Was read, and**

**And while the said bill was under consideration,**

**Council adjourned to three o'clock this afternoon.**

*At three o'clock Council met.*

**A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had passed a bill entitled**

**"An act to incorporate the Newark Lime and Cement Manufacturing Company,"**

To which bill the concurrence of Council is requested.

The bill from the House of Assembly, entitled

**"An act to incorporate the Newark Lime and Cement Manufacturing Company,"**

Was read, and

Referred to the Committee on Corporations.

Mr. Price presented a petition from sundry citizens of Bergen county, praying for a law authorizing the erection of a certain guard bank between New-Dunham and Seacaucus in the township of Bergen."

Which was read, and

Referred to Messrs. Price, Board and Corson.

Mr. Taylor from the committee on Claims and Pensions, to whom had been referred the bill entitled,

**"An act directing the payment of a certificate given to William Dobbins for Militia services during the Revolutionary War,"**

Reported the same.

On motion of Mr. Oliphant, ordered that the printing of said bill be dispensed with.

Mr. Taylor, from the same committee, to whom had been referred the bill from the House of Assembly, entitled

**"An act for the relief of John Cole, of the county of Hunterdon,"**

Reported the same, without amendment.

Ordered, That said bill have a second reading.

Mr. Armstrong, with leave, presented a bill, entitled

**"A further supplement to the act, entitled, an act to issue commissions for the examination of witnesses and to take their depositions in certain cases."**

Which was read—and

Referred to the Committee on the Judiciary.

Council went into a Court of Pardons, and after some time spent therein, Council came to order.

Council adjourned to ten o'clock to-morrow morning.

**FRIDAY, February 14, 1840.**

*At ten o'clock Council met.*

**Mr. Taylor, from the Committee on Claims and Pensions to whom had been referred a bill from the House of Assembly, entitled,**

**"An act for the relief of Christopher Philhower of the county of Hunterdon,"**

**Reported the same, without amendment.**

**Which bill was read, and ordered to have a second reading.**

**Mr. Haines, from the committee on the Judiciary to whom had been referred the bill entitled**

**"A further supplement to the act entitled, an act to issue commissions for the examination of witnesses, and to take their depositions in certain cases,"**

**Reported the same.**

**Mr. Miller, from the Committee on Corporations, to whom had been referred the following bills, entitled**

**"An act to incorporate the New-Jersey State Agricultural Society,"**

**"An act to erect the Island of Cape May Island into a Borough, to be called the 'Borough of Cape Island,'" and**

**The bill from the House of Assembly, entitled**

**"An act to incorporate the Newark Lime and Cement Manufacturing Company,"**

**Reported the same,**

**Severally, without amendment.**

**Mr. Miller, from the same committee reported adverse to the bill, entitled**

**"An act to incorporate the New-Jersey Manufacturing Company,"**

**For want of a proper notice being given.**

**Mr. Taylor, from the committee on Claims and Pensions, to whom had been referred the bill, entitled**

**"An act for the relief of William Smick, of the County of Salem,"**

**Reported the same,**

**Which was ordered a second reading, and the printing thereof dispensed with.**

**The bill from the House of Assembly entitled**

**"An act to incorporate the Pedrickton Steam Mill Association,"**

**Was taken up, together with the several amendments made thereto by Council, to which the House of Assembly refused to agree.**

**On the question of receding from the amendments made in Council to the sixth section of said bill the Yeas and Nays were as follows, viz:**

#### **YEAS.**

**Messrs. Price,  
Oliphant,  
Taylor,**

**Messrs. Lambert,  
Snyder,  
Haines,  
Kennedy.—7.**

#### **NAYS.**

**Messrs. Armstrong,  
Irick,  
Porter, (V. P.)  
Corson,**

**Messrs. Miller,  
Board,  
Ireland,  
McChesney.—8.**

**So it was determined in the negative.**

**Council having also refused to recede from its amendment to the ninth section, it was**

**Ordered, That the Secretary inform the House of Assembly that Council do adhere to its amendments to said bill and return the same.**

**The bill, entitled**

**"A supplement to the act entitled, 'an act constituting courts for the trial of small causes,'"**

**Was read a second time, considered, and ordered to be engrossed, and have a third reading.**

**The bill entitled**

"An act supplementary to an act, entitled an act to incorporate the Neshanic Mining Company, of the county of Hunterdon, passed the 29th of February, 1836,"

Was taken up, considered and postponed.

**The bill entitled**

"A supplement to an act entitled, 'an act to incorporate the Morristown Fire Association, passed February 27th, 1837,"

Was taken up, further considered, and

Ordered to be engrossed and have a third reading.

**The bill entitled**

"An act to incorporate the Somerville Water Power Association,"

Was taken up, the consideration thereof progressed in, by sections, and postponed.

**The bill entitled**

"An act directing the payment of a certificate given to William Dobbins for Militia service in the Revolutionary War,"

Was taken up, considered and postponed.

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the following bills, viz:

"A further supplement to an act entitled, 'an act to incorporate a company to extend the Paterson and Hamburg Turnpike to the Hudson River, passed February 16, 1816."

"An act to repeal a supplement to the act entitled an act to set off a new Township from the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, to be called the township of Clinton."

"An act to alter a part of the boundary line between the townships of Chester and Washington, in the County of Morris,"

"A further supplement to the act entitled, 'an act for the relief and employment of the poor of the county of Salem, passed March 12, 1796," and

A Joint Resolution authorizing the Treasurer to procure an iron safe or chest for the safe keeping of the papers and documents belonging to the State, in his office.

To which bills and Joint Resolutions the concurrence of Council is requested.

The House of Assembly had also passed the bill from Council, entitled

"An act to authorize Daniel Elmer, administrator of David Compton, deceased, late of the county of Cumberland, to fulfil certain contracts of said deceased,"

With sundry amendments.

To which amendments the concurrence of Council is requested.

The House of Assembly had adopted the accompanying resolution in reference to printing the Laws, Journal, &c., and request the concurrence of Council to the same.

The bills from the House of Assembly, entitled

"A further supplement to an act entitled, 'an act to incorporate a company to extend the Paterson and Hamburg Turnpike to the Hudson River,' passed February 16, 1816,"

"An act to repeal the supplement to the act entitled an act to set off a new Township, from the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, to be called the township of Clinton, and

"An act to alter a part of the boundary line between the townships of Chester and Washington, in the county of Morris,"

Were severally read, and

Referred to the Committee on Corporations.

The bill from the House of Assembly, entitled

"A further supplement to the act entitled an act for the relief and employment of the poor in the county of Salem, passed March 12, 1796."

Was read, and

Referred to the committee on the Judiciary.

The Joint Resolution from the House of Assembly authorizing the Treasurer to procure an iron Safe or chest, for the safe keeping of the papers and documents belonging to the State in his office,

Was read, and ordered to have a second reading.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

The bill entitled

"An act to authorize Daniel Elmer, administrator of David Compton, deceased, late of the county of Cumberland, to fulfil certain contracts of said deceased,"

Was taken up, together with the amendments made thereto in the House of Assembly, which amendments were severally agreed to by Council and said bill was ordered to be re-engrossed.

The Concurrent Resolution from the House Assembly in relation to the public printing,

Was read, and

Ordered to lie on the table.

Mr. McChesney, presented a petition from sundry inhabitants of Mill Hill and Bloomsbury in the county of Mercer, praying to be incorporated into a Borough.

Which was read, and

Referred to the Committee on Corporations.

Mr. Miller presented a petition from William Young, of the county of Morris, a soldier of the Revolutionary War, praying for a pension,

Which was read, and

Referred to the committee on Claims and Pensions.

Mr. Lambert presented a petition from sundry inhabitants of the county of Salem, praying the passage of a Lien Law,

Which was read, and

Referred to Messrs. Lambert, Irick and Barber.

Council proceeded to the appointment of the Pilot Commissioners for the ensuing year,

Whereupon the following gentlemen, the commissioners of the past year, were all unanimously re-appointed for the ensuing year, viz:

John F. Ellis, of Jersey City, Bergen county,  
William A. Hackstaff, do. do.

**Lewis Bosworth, of Newark, Essex county,**

**Benjamin Beaston, do. do.**

**Jonathan D. Williamson, U. S. Navy, Elizabeth Town, do.**

**Lawrence Kearney, U. S. Navy, Perth Amboy, Middlesex county,**

**William T. Rodgers, Weston, Somerset county,**

**To be commissioned for one year from the 15th of February instant.**

**Mr. McChesney, from the Committee on Corporations,**

**Reported a bill, entitled**

**"An act to incorporate the Beneficial Society of Trenton,"**

**Which was read, and**

**Ordered to have a second reading.**

**The bill entitled**

**"A supplement to an act entitled, 'an act to ascertain the power and authority of the Ordinary and his Surrogates to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties in this State,'"**

**Was read a second time, considered, and ordered to be engrossed, and have a third reading.**

**The bill, entitled**

**"An act to confirm the last will and testament of Daniel Ennis, late of Owasco, in the state of New-York,"**

**Was read a second time, considered, and**

**Ordered to be engrossed and have a third reading.**

**The Bill entitled**

**"A further Supplement to the act entitled, 'an act to issue commissions for the examination of witnesses, and to take their depositions in certain cases,'"**

**Was read a second time, considered, and**

**Ordered to be engrossed and have a third reading.**

**The bill, entitled**

**"An act supplementary to an act entitled 'an act to incorporate the Neshanic Mining Company of the County of Hunterdon, passed the 29th of February, 1836,'"**

**Was taken up, and**

**Ordered to be engrossed and have a third reading.**

**Mr. Price, from the Committee to whom had been referred sundry petitions from the citizens of Bergen,**

**Reported the following bills, entitled**



"An act regulating suits on contracts made out of this State," and

"A supplement to the act concerning Roads,"

Which were severally read, and

Ordered to have a second reading.

Council adjourned to ten o'clock to-morrow morning.

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SATURDAY, February 15, 1840.

*At ten o'clock Council met.*

Mr. McChesney presented a petition from sundry citizens of Bloomsbury and Mill Hill, praying for an act of incorporation,

Which was read, and

Referred to the Committee on Corporations.

Council adjourned to three o'clock on Monday afternoon.

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MONDAY, February 17, 1840.

*At three o'clock Council met.*

The Governor laid before Council a communication from the Executive of South Carolina, enclosing a series of resolutions,

passed by the Legislature of that State, in relation to the controversy existing between the states of Georgia and Maine, in relation to the abduction of a slave from Georgia.

Which was read, and ordered to lie on the table.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bills from the House of Assembly, entitled,

“A further supplement to an act entitled ‘an act to incorporate a company to extend the Paterson and Hamburg turnpike to the Hudson River, passed February 16, 1836,”

Reported the same without amendment.

Ordered, said bill have a second reading.

Mr. Armstong, from the Committee on the Judiciary, to whom had been referred the bill from the House of Assembly entitled

“A further supplement to the act entitled, ‘an act for the relief and employment of the poor in the county of Salem, passed March 12, 1796,’

Reported the same with an amendment.

Which was ordered to have a second reading.

The engrossed bill, entitled

“An act supplementary to an act entitled, ‘an act to incorporate the Neshanic Mining Company of the County of Hunterdon, passed the 29th day of February, 1836,”

Was read a third time and compared.

On the question, Shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz.

#### YEAS.

Messrs. Armstrong,  
Oliphant,  
Taylor,  
Lambert,  
Corson,

Messrs. Miller,  
Haines,  
Kennedy,  
Board,  
Ireland.—10.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

**The engrossed bill, entitled**

**“A further supplement to the act, entitled an act to issue commissions for the examination of witnesses, and to take their depositions in certain cases,”**

**Was read a third time, and compared.**

**On the question, Shall this bill pass ?**

**It was determined in the affirmative by the votes of all the members present, viz.**

**YEAS.**

**Messrs. Armstrong,  
Oliphant,  
Taylor,  
Lambert,  
Corson,**

**Messrs. Miller,  
Haines,  
Kennedy,  
Board,  
Ireland.—10.**

**Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.**

**The engrossed bill entitled**

**“A supplement to the act entitled, ‘an act constituting courts for the trial of small causes,”**

**Was taken up, read a third time, and compared.**

**On the question, Shall this bill pass ?**

**It was determined in the affirmative by the votes of all the members present, viz.**

**YEAS.**

**Messrs. Armstrong,  
Oliphant,  
Taylor,  
Lambert,  
Corson,**

**Messrs. Miller,  
Haines,  
Kennedy,  
Board,  
Ireland.—10.**

**Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,**

**And request their concurrence.**

The bill from the House of Assembly, entitled  
 "A further supplement to an act entitled, an act to incorporate the Paterson Fire Association, passed November 3, 1821,"  
 Was taken up, read a second time, amended, and  
 Ordered to have a third reading.

Mr. Armstrong, with leave presented a bill, entitled  
 "A further supplement to the act, entitled act to respecting the Court of Chancery."  
 Which was read, and ordered a second reading.

Mr. Miller asked and obtained leave to withdraw the papers of the New-Jersey Manufacturing Company.

Council adjourned to ten o'clock to-morrow morning.

TUESDAY, February 18, 1840.

*At ten o'clock Council met.*

The Vice President presented a petition from sundry citizens of the county of Gloucester, asking for a law to prohibit horse racing.

Which was read, and laid on the table.

Mr. Taylor from the Judiciary committee to whom had been referred the petition of the President of the Bank of New Brunswick asking for Legislative aid to enable them to close the concerns of said Bank,

Reported a bill entitled

"A supplement to an act entitled an act to enable the President and Directors of the Bank of New-Brunswick to settle the affairs of said Bank."

Which bill was read and ordered to have a second reading.

Mr. Armstrong, from the same committee, to whom had been referred the bill from the House of Assembly, entitled

"An act to enable Dennis Coles and Frazee Coles, administrators of the estate of David Martin, deceased, to fulfil a certain contract therein named,"

Reported said bill with amendments.

Which was ordered to have a second reading.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bills from the House of Assembly, entitled,

"An act to alter a part of the boundary line between the townships of Chester and Washington, in the County of Morris," and

"An act to repeal a supplement to the act entitled an act to set off a new Township from the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, to be called the township of Clinton,"

Reported the same,

Which were severally ordered to have a second reading.

Mr. McChesney from the same committee to whom had been referred the petition of sundry citizens of Nottingham praying to be incorporated, reported a bill entitled

"An act to erect a part of the township of Nottingham, in the county of Mercer, into a Borough to be called the Borough of South Trenton.

Which was read, and ordered to have a second reading.

The re-engrossed bill, from Council, entitled

"An act to authorize Daniel Elmer, administrator of David Compton, deceased, late of the county of Cumberland, to fulfil certain contracts of said deceased,"

Which had been amended in the House of Assembly,

Was taken up, and compared.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

#### YEAS.

Messrs. Price,  
Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—15.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have agreed to the amendments made in the House of Assembly to said bill, and

Have ordered the same to be re-engrossed.

The engrossed bill entitled

“A supplement to an act entitled, ‘an act to ascertain the power and authority of the Ordinary and his Surrogates to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans’ Court in the several counties in this State,’”

Was read a third time, and compared.

On the question, Shall this bill pass?

It was determined in the affirmative, unanimously.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

And request their concurrence.

The engrossed bill, entitled

“A supplement to an act entitled, ‘an act to incorporate the Morristown Fire Association, passed February 27th, 1837,’”

Was read a third time and compared.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

#### YEAS.

Messrs. Price,  
Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—16.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly of its passage, and Request their concurrence.

The engrossed bill, entitled  
 "An act to confirm the last will and testament of Daniel Ennis, late of Owasco, in the state of New-York, deceased,"  
 Was read a third time and compared.

On the question, Shall this bill pass ?

Mr. Miller and Mr. Haines asked and were excused from voting on said bill,

Whereupon—

It was determined in the affirmative as follows :

### YEAS.

Messrs. Price,  
 Armstrong,  
 Oliphant,  
 Lambert,  
 Corson,  
 Snyder,  
 Barber,

Messrs. Taylor,  
 Irick,  
 Porter, (V. P.)  
 Kennedy,  
 Board,  
 Ireland,  
 Appleget,  
 McCheaney.—15.

Ordered, That the President sign said bill; and that the Secretary inform the House of Assembly of its passage,  
 And request their concurrence.

A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had passed a bill from Council entitled

"A further supplement to the act entitled an act to regulate Elections, passed March 12th, 1839,"

With sundry amendments.

To which amendments the concurrence of Council is requested.

The engrossed Bill, entitled

"A further supplement to an act, entitled an act to regulate Elections, passed March 12, 1839,"

Was taken up, the amendments made in the House of Assembly were agreed to by Council, and said bill was ordered to be re-engrossed.

The bill from the House of Assembly, entitled  
 "A further supplement to an act entitled an act to incorporate the Paterson Fire Association, passed Nov. 3d, 1821,"  
 Was read a third time as amended.

On the question, Shall this bill pass ?

It was determined in the affirmative, as follows, viz:

## YEAS.

Messrs. Price,  
 Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)

Messrs. Corson,  
 Snyder,  
 Miller,  
 Barber,  
 Board,  
 Haines,  
 McChesney.—13.

## NAYS.

Messrs. Lambert,

Board,  
 Ireland.—3.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly of its passage with sundry amendments,

To which amendments,

The concurrence of the House of Assembly is requested.

The bill from the House of Assembly, entitled

"A further supplement to an act entitled, 'an act to incorporate a company to extend the Paterson and Hamburg Turnpike to the Hudson River,' passed February 16, 1816,"

Was read a second time, and considered.

Ordered, That said bill have a third reading.

The fifteenth rule being dispensed with, said bill was read a third time.

On the question, Shall this bill pass ?

It was determined in the affirmative, unanimously.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.



The bill, entitled

"An act directing the payment of a certificate given to William Dobbins for Militia service in the Revolutionary War,"

Was taken up, considered and postponed.

The bills from the House of Assembly, entitled

"An act to divorce Ann Stivers from her husband, Samuel Stivers,"

Was read a second time, considered, and postponed.

Council adjourned to three o'clock this afternoon.



*At three o'clock Council met.*

Mr. Haines, with leave, presented a bill entitled

"An act to enable Samuel Fowler, administrator de bonis non of Elias Ogden, late of the county of Sussex, deceased, to fulfil certain contracts for the sale of Real Estate,"

Which was read—and

Referred to the Committee on the Judiciary.

The bill from the House of Assembly, entitled

"An act to incorporate the Newark Lime and Cement Manufacturing Company,"

Was read a second time, amended, and ordered to have a third reading.

The bill from the House of Assembly, entitled

"An act for the relief of John Cole, of the county of Hunterdon,"

Was read, considered and ordered to have a third reading.

The bill from the House of Assembly, entitled

"An act for the relief of Christopher Philhower, of the county of Hunterdon,"

Was read a second time, considered, and postponed.

**The Joint Resolution from the House of Assembly to provide a safe or fire proof chest for the Treasurer's papers,**

Was read a second time, considered and ordered to have a third reading.

**The bill from the House of Assembly entitled**

"A further supplement to the act entitled, 'an act for the relief and employment of the poor in the county of Salem, passed March 12, 1796,'"

Was read a second time, amended and ordered to have a third reading.

**The bill from the House of Assembly, entitled**

"An act to alter a part of the boundary line between the townships of Chester and Washington, in the county of Morris,"

Was read a second time, considered, and  
Ordered to have a third reading.

**The bill from the House of Assembly, entitled**

"An act to enable Dennis Coles and Frazee Coles, administrators of the estate of David Martin, deceased, to fulfil a certain contract therein named,"

Was read a second time, amended, and ordered to have a third reading.

**The bill, entitled:**

"An act to incorporate the New-Jersey, Delaware, and Pennsylvania Steamboat Company,"

Was taken up, considered by sections, and  
Ordered to be engrossed and have a third reading.

**Mr. Price presented a petition from three individuals praying for a law to authorize the extension of the rail-roads from Paterson and Hackensack to the New-York line, near Ramapo—**

Which was read, and

Referred to a select Committee by the following vote:

#### YEAS.

Messrs. Price,  
Oliphant,  
Taylor,  
Porter, (V. P.)

Messrs. Lambert,  
Snyder,  
Miller,  
Board,  
McChesney.—9.

## NAYS.

Messrs. Armstrong,  
Appleget,  
Irick,  
Corson,

Messrs. Barber,  
Haines,  
Kennedy,  
Ireland.—8.

Messrs. Price, Irick and Barber, were appointed said committee. ¶

Mr. Price, with leave presented a bill, entitled  
“A further supplement to an act, entitled, an act against  
usury, passed the 8th day of February, 1797,”  
Which was read, and  
Referred to the Committee on the Judiciary.

The bill entitled

“An act to erect the Island of Cape May Island into a Borough, to be called the ‘Borough of Cape Island,’”

Was taken up,

And on motion of Mr. McChesney was withdrawn from the files of Council, together with the petition and remonstrance on that subject.

The bill entitled

“An act for the relief of William Smick, of the County of Salem,”

Was read a second time, considered, and ordered to be engrossed, and to have a third reading.

Council adjourned to ten o'clock to-morrow morning.



WEDNESDAY, February 19, 1840.

*At ten o'clock Council met.*

The re-engrossed bill, entitled

“A further supplement to an act, entitled an act to regulate Elections, passed March 12, 1839,”

Was read, and compared.

On the question, Shall this bill pass?

It was determined in the affirmative as follows

### YEAS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney.—10.

### NAYS.

Messrs. Price,  
Olipfant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland.—7.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have agreed to their amendments, and ordered said bill to be re-engrossed.

The bill from the House of Assembly, entitled  
“An act to incorporate the Newark Lime and Cement Manufacturing Company,”

Was read a third time as amended in Council.

On the question, Shall this bill pass?

It was determined in the affirmative as follows, viz.

### YEAS.

Messrs. Price,  
Olipfant,  
Taylor,  
Lambert,

Messrs. Corson,  
Kennedy,  
Board,  
Ireland,  
McChesney.—9.

### NAYS.

Messrs. Armstrong,  
Appleget,  
Irick,  
Porter, (V. P.)

Messrs. Snyder,  
Miller,  
Barber,  
Haines.—8.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

With sundry amendments,

To which amendments the assent of the House of Assembly is requested.

The Joint Resolution from the House of Assembly to provide an iron safe for the Treasurer's papers,

Was read a third time.

On the question, Shall this Joint Resolution pass ?

It was determined in the affirmative by the votes of all the members present, viz.

#### YEAS.

Messrs. Armstrong,  
Oliphant,  
Taylor,  
Corson,  
Snyder,  
Miller,  
Kennedy,

Messrs. Irick,  
Porter, (V. P.)  
Lambert,  
Haines,  
Board,  
Ireland,  
McChesney.—14.

Ordered, That the President sign said Joint Resolution, and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The engrossed bill entitled

"An act to incorporate the New-Jersey, Delaware and Pennsylvania Steamboat Company,"

Was read a third time, and compared.

On the question, Shall this bill pass ?

It was determined in the affirmative as follows:

#### YEAS.

Messrs. Price,  
Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Ireland,

Messrs. Lambert,  
Corson,  
Snyder,  
Miller,  
Barber,  
Kennedy,  
McChesney.—14.

## NAYS.

Messrs. Haines,

Board.—2.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same and

Request their concurrence.

The bill from the House of Assembly, entitled

“An act to alter a part of the boundary line between the townships of Chester and Washington, in the county of Morris,”

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz.

## YEAS.

Messrs. Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,  
Corson,

Messrs. Snyder,  
Miller,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—14.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill entitled

“An act entitled an act to incorporate the Trenton city Bridge Company,”

Was taken up and re-committed to the Committee on Corporations.

The bill entitled

“An act to incorporate the New-Jersey State Agricultural Society,”

Was read a second time, and considered by sections.

Ordered, said bill be engrossed and have a third reading.

The bill entitled

“An act to incorporate the Beneficial Society of Trenton,”

Was taken up on its second reading.

On the motion of Mr. McChesney to amend the same by adding the word “Temperance,” so as to make it read the “Temperance Beneficial Society of Trenton,” the Yeas and Nays stood as follows, viz:

#### YEAS.

Messrs. Armstrong,  
Kennedy,  
Board,

Messrs. Lambert,  
Ireland,  
McChesney.—6.

#### NAYS.

Messrs. Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Snyder,  
Haines.—8.

So it was determined in the negative.

The further consideration of said bill was postponed.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Armstrong, from the Committee on the Judiciary, to whom had been referred the bill entitled

“An act to enable Samuel Fowler, administrator de bonis non of Elias Ogden, late of the county of Essex, deceased, to fulfil certain contracts for the sale of Real Estate,”

Reported the same.

Which was ordered to have a second reading.

**Mr. Board, with leave, presented a bill entitled**

**“An act to extend an act entitled, ‘an act to incorporate a bank at Paterson, passed February 16th, 1816, and the supplements thereto,’ ”**

**Which was read, and**

**Referred to the Committee on Corporations.**

**The bill entitled**

**“A further supplement to the act respecting the Court of Chancery,”**

**Was read a second time, and**

**Ordered to be engrossed and have a third reading.**

**The bill, entitled**

**“An act to erect a part of the township of Nottingham, in the county of Mercer, into a Borough, to be called the Borough of South Trenton,”**

**Was read a second time, considered and postponed.**

**The bill entitled**

**“An act to incorporate the Somerville Water Power Company,”**

**Was taken up on its second reading.**

**Whilst under consideration, Mr. Haines moved to add another section to the bill ;**

**On which question, the Yeas and Nays were as follows:**

#### **YEAS.**

**Messrs. Price,  
Oliphant,  
Irick,**

**Messrs. Lambert,  
Snyder,  
Haines,  
Ireland.—7.**

#### **NAYS.**

**Messrs. Armstrong,  
Applegate,  
Taylor,  
Porter, (V. P.)  
Corson,**

**Messrs. Miller,  
Barber,  
Kennedy,  
Board,  
McChesney.—10.**

**So it was determined in the negative.**

**The further consideration of said bill was then postponed.**



A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly had passed the following bills, viz:

"An act to divorce Elizabeth Heldebrant from her husband Charles Helderbrant,"

"A supplement to the act entitled an act relative to incorporations and other purposes," passed February 14, 1833.

"An act to authorize Samuel Dilkes and Nathan Dilkes to sell and convey certain Real Estate, late the property of John Dilkes, of the township of Greenwich, in the county of Gloucester, deceased," and

Joint Resolutions relative to the public domain.

To which bills and Joint Resolutions the concurrence of Council is requested.

The House of Assembly had passed the bills from Council entitled,

"A further supplement to the act entitled, 'an act constituting courts for the trial of small causes,'"

"A further supplement to the act, entitled, an act to issue commissions for the examination of witnesses and to take their depositions in certain cases," and

"An act supplementary to an act entitled, 'an act to incorporate the Neshanic Mining Company of the County of Hunterdon, passed the 29th day of February, 1836,'"

Severally, without amendment.

The House of Assembly had also adopted the accompanying resolution in reference to the final Report of Professor H. D. Rodgers, and request the concurrence of Council to the same.

The bill from the House of Assembly, entitled

"An act to divorce Elizabeth Heldebrant from her husband, Charles Heldebrant,"

Was read, and

Referred to Messrs. Price, Appleget and Barber.

The bills from the House of Assembly, entitled

"A supplement to the act entitled 'an act relative to incorporations, and other purposes, passed February 14, 1833,'" and

"An act to authorize Samuel Dilkes and Nathan Dilkes to sell and convey certain real estate, late the property of John Dilkes, of the township of Greenwich, in the county of Gloucester, deceased,"

Were severally read, and

Referred to the Committee on the Judiciary.

The Joint Resolution from the House of Assembly relative to the public Domain,  
Was read, and  
Ordered to have a second reading.

The Concurrent Resolution in relation to the further distribution of Professor Rodger's Geological Report,  
Was read, and ordered to lie on the table.

Mr. Irick presented a petition from Benjamin Davis and Caleb Shreve, for authority to sell the Real Estate of Samuel C. Davis, of the county of Gloucester,  
Which was read, and  
Referred to the committee on the Judiciary.

The Bill from the House of Assembly, entitled  
"An act to divorce Ann Stivers from her husband Samuel Stivers"  
Was taken up, amended and  
Ordered, To have a third reading.

Mr. Snyder called up bill No. 3 of Unfinished Business, being a bill entitled  
"An act to erect a new township in the county of Hunterdon to be called the Township of Mount Airy,"  
Which was  
Referred to the Committee on Corporations, together with sundry petitions in favor of the same.

The bill from the House of Assembly, entitled  
"An act to repeal the supplement to the act entitled an act to set off a new Township, from the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, to be called the township of Clinton,"  
Was read a second time, amended, and ordered to have a third reading.

The bill, entitled  
"An act to divorce Jonathan W. Miller from his wife, Martha Miller,"  
Was read a second time, and whilst the same was under consideration,

**Council adjourned to ten o'clock to-morrow morning.**

**TUESDAY, February 20, 1840.**

*At ten o'clock Council met.*

**Mr. Kennedy offered the following Resolution :**

**Resolved,** That Halsey Canfield be authorized to have charge of the Council Chamber and Committee Rooms, during the recess from this time to the next session of the Legislature, and that he be allowed therefor thirty dollars.

Which was read and agreed to.

**Mr. Price, from the Committee to whom had been referred the application of Jared Haines for a divorce,**

**Reported a bill entitled**

**"An act to divorce Jared Haines of the county of Morris from his wife Eliza Haines,"**

**Which was read, and**

**Ordered a second reading.**

**Mr. Price, from the committee, to whom had been referred the petition of sundry citizens of the county of Bergen,**

**Reported a bill, entitled**

**"An act to enable the owners and proprietors of the Salt Marsh lying between Secaucus and New Durham, in the county of Bergen, to drain the same, and to erect and maintain dykes, sluices and water-works to prevent the tide from overflowing thereon,"**

**Which was read, and ordered to have a second reading.**

**Mr. Lambert, from the committee to whom had been referred the petitions of sundry citizens of the county of Salem,**

**Reported a bill, entitled**

**"A further supplement to an act entitled, 'an act securing to mechanics and others, payment for their labor and materials in erecting houses, and other buildings, within the limits therein mentioned, passed the 3rd day of March, 1835, and a further supplement passed March 10th, 1837,"**

**Which was read, and ordered a second reading,**

The bill from the House of Assembly, entitled

“An act for the relief of John Cole, of the county of Hatterdon,”

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative as follows:

#### YEAS:

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
McChesney.—15.

#### NAYS.

Messrs. Irick,

Ireland.—2.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill

Without amendment.

The bill from the House of Assembly, entitled

“An act to divorce Ann Stivers from her husband, Samuel Stivers,”

Was read a third time as amended.

On the question, Shall this bill pass?

It was determined in the affirmative, as follows, viz:

#### YEAS.

Messrs. Price,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Barber,  
Kennedy,  
Board,  
Ireland,  
McChesney.—13.

## NAYS.

Messrs. Armstrong,  
Appleget,

Messrs. Miller,  
Haines.—4.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same with an amendment, to which amendment the assent of the House of Assembly is requested.

The engrossed bill, entitled

“An act to incorporate the New-Jersey State Agricultural Society,”

Was read a third time and compared.

On the question, Shall this bill pass?

It was determined in the affirmative, unanimously.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and

Request their concurrence.

The engrossed bill, entitled

“An act for the relief of William Smick, of the County of Salem,”

Was read a third time, and compared

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Kennedy,  
Board,  
Ireland,  
McChesney.—16.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same,

And request their concurrence.

The engrossed bill entitled

"A further supplement to the act respecting the Court of Chancery,"

Was read a third time, and compared.

On the question, Shall this bill pass?

It was determined in the affirmative, unanimously.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and

Request their concurrence.

The bill, entitled

"An act to incorporate the Somerville Water Power Company,"

Was taken up, further amended, and

Ordered to be engrossed and have a third reading.

The bill from the House of Assembly, entitled

"An act for the relief of Christopher Philhower, of the county of Hunterdon,"

Was read a second time, considered, and

Ordered to have a third reading.

A message from the House of Assembly, by Mr. Coppuck their clerk, informed Council that the House of Assembly had agreed to the amendments made by Council to the bills entitled,

"A further supplement to an act entitled an act to incorporate the Paterson Fire Association, passed Nov. 3d, 1821," &

"An act to incorporate the Newark Lime and Cement Manufacturing Company,"

And have ordered said bills to be re-engrossed.

The House of Assembly have receded from their disagreement to the amendments made by Council to the bill entitled,

"An act to incorporate the Pedrickton Steam Mill Association,"

And have ordered said bill to be re-engrossed.

The House of Assembly had passed the following bills, viz:

"An act to create the county of Hudson,"

"An act to authorize Rebecca, wife of Alfred Aten, to sell real estate," and

"An act to incorporate the Sussex County Mutual Insurance Company,"

To which bills the concurrence of Council is requested.

The House of Assembly has passed the following:

*Resolved*, That the Clerk be directed to inform Council that the House of Assembly is ready to go into Joint Meeting, for the appointment of such State and County officers as may be deemed expedient, and request Council to name time and place.

Mr. McChesney, with leave, presented a bill, entitled  
 "An act relative to the Methodist Episcopal Male Seminary of the New-Jersey Conference, located in Pennington,"  
 Which was read by its title, and  
 Referred to the Committee on Corporations.

Mr. McChesney, with leave, presented the following concurrent Resolution:

*Resolved*, (The Assembly concurring) That a Joint Committee be appointed to enquire and report to this Legislature, what amount of moneys has been paid to Professor Henry D. Rodgers, and what amount remains yet due to him, directly or indirectly, for Geological services rendered the State of New-Jersey, and whether the said Henry D. Rodgers has complied with the laws, relative to his duties as Geologist of said State.

Which was read, agreed to, and

Messrs. McChesney and Price appointed said Committee on the part of Council.

Ordered, That the Secretary inform the House of Assembly thereof.

The bill from the House of Assembly, entitled

"An act to create the county of Hudson,"

Was read by its title.

Ordered, said bill have a second reading.

The bill from the House of Assembly, entitled

"An act to authorize Rebecca, wife of Alfred Aten, to sell real estate,"

Was read by its title, and

Referred to the Committee on the Judiciary.

The bill from the House of Assembly entitled

"An act to incorporate the Sussex County Mutual Insurance Company,"

Was read by its title, and

Referred to the Committee on Corporations.

The Resolution from the House of Assembly relative to Joint Meeting was taken up, and

Ordered to lie on the table.

Mr. Price, from the Committee to whom had been referred a bill from the House of Assembly, entitled,

"An act to divorce Elizabeth Heldebrant from her husband, Charles Heldebrant,"

Reported the same.

Ordered, said bill have a second reading.

Mr. Price from the Committee to whom had been referred the petition of sundry citizens of Bergen, made the following

### REPORT :

The Committee, to whom was referred the Petition of David B. Salter, and others, praying a repeal of the act entitled "An act to release to Aaron Ogden the right of the State of New-Jersey of, in and to a certain lot of land covered with water in the Bay of New-York," beg leave respectfully to REPORT :

That having, pursuant to a Resolution of Council, submitted to the Attorney General the question "whether the Legislature of New-Jersey can constitutionally repeal said act," and requested his opinion thereupon, and the Attorney General having expressed his opinion in writing herewith annexed, "that the grant to Aaron Ogden, his heirs and assigns, amounting to a contract within the meaning of the Constitution of the United States, the Legislature of New-Jersey has no right to repeal the act by which it was created." Your committee feel constrained to accord with that opinion, and respectfully recommend the following Resolution :

*Resolved*, That the Legislature of this State has no constitutional right to repeal the act entitled "an act to release to Aaron Ogden the right of the State of New-Jersey of and to a certain lot of land covered with water in the bay of New-York."

FRANCIS PRICE,	} Committee.
D. B. APPLEGET,	
SAML. BARBER,	

By an act of the Legislature, passed the 25th day of January, 1837, the right of the State of New-Jersey in, and to, a certain lot of land, covered with water, of ten acres, in the bay of New-York, was released to Aaron Ogden, his heirs and assigns forever.

My opinion is asked upon the question, "whether the Legislature of New-Jersey can constitutionally repeal said act."

By the tenth section of the first article of the Constitution of the United States, it is, amongst other things, provided, that



no state shall pass any law "impairing the obligation of contracts." Is the act in question a contract within the meaning of this clause of the Constitution of the United States?

That it is a *grant* by the State of New-Jersey to Aaron Ogden, his heirs and assigns, will not be disputed. Is a *grant* then a contract? Contracts are of various kinds. They may be executed or executory. An executory contract is when a party agrees to do a particular thing. A contract executed is when the thing itself is actually done. A *grant* therefore differs in no respect from an executed contract.—2 *Blackstone Com.* 443.

Again :—Contracts may be express or implied. A grant is in the nature of an implied contract, for it amounts to an extinguishment of the right of the grantor, and *implies* a contract that he will not re-assert it.—2 *Story on Const.* 243.

The Constitution having made use of the general term, contract must be construed to embrace as well, those that are implied as well as those which are expressed, the executed as well as the executory. And this is the sense in which it has always been understood by the Supreme Court of the United States.—6 *Cranch* 137. 4 *Wheat.* 657.

A *grant* therefore being a contract within the meaning of the constitution, it cannot be doubted that the States are prohibited from passing any law interfering with, or impairing the obligation of any *private* grants.

But the act in question is a public, not a private grant. It is a grant made by a state, created by an act of the Legislative power. And there are those who vehemently insist, that such grants are not within the meaning of the Constitution; that all laws may be repealed by the same authority which enacted them; that one Legislature has no right to bind its successors.

Such, however, is not the language of the Supreme Court of the United States. On the contrary, it has been repeatedly decided by that high tribunal, upon solemn argument, that grants made by a state, are equally within the prohibition of the constitution as grants of private persons, that a state is as much inhibited from impairing its own contracts, as it is from impairing contracts between individuals.

Thus when the Legislature of Georgia passed an act authorizing a sale of its public lands, and a sale was accordingly made and conveyances executed, it was held, that these conveyances could not be rescinded or revoked by a subsequent Legislature, although it was alleged that the original act was founded in *fraud and corruption*.—*Fletcher vs. Peck.* 6 *Cranch* 87. 1 *Ken's Com.* 388.

So, when the Legislature of New-Jersey declared by law

that certain lands purchased for the use of the Indians, should be exempted from taxation, it was held, that the exemption could not be revoked, that such a legislative act amounted to a contract which could not be rescinded by a subsequent Legislature.—*New-Jersey vs. Wilson*, 7 Cranch 164.

And it has been determined that grants of land *voluntarily* made by a state are equally incapable of being resumed by a subsequent law, as those founded on a valuable consideration. Thus, if a state grant glebe lands, or other lands, to parishes, towns, or private persons gratuitously, they constitute executed contracts which cannot be revoked.—*Sec. 3, Story on Const.* 258, and the cases there cited.

Upon the authority of these repeated adjudications, I am of opinion, that the grant to Aaron Ogden, his heirs and assigns, amounting to a contract within the meaning of the Constitution of the United States, the Legislature of New-Jersey has no right to repeal the act by which it was created.

R. S. FIELD.

February 10, 1840.

Which Report, and Opinion of the Attorney General, were read, and ordered to be spread on the Journal of Council by the following vote:

#### YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Lambert,

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—17.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Armstrong, from the Committee on the Judiciary, to whom had been referred the petition of Benjamin Davis and Caleb Shreve,

Reported a bill entitled

"An act authorizing Benjamin Davis and Caleb Shreve, as trustees and administrators of Samuel C. Davis, deceased, to make and execute a deed of conveyance for certain real estate of said deceased, heretofore sold by them."

Which was read, and

Ordered to have a second reading.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bill from the House of Assembly, entitled

"An act to incorporate the Sussex County Mutual Insurance Company,"

Reported the same without amendment.

Ordered, That said bill have a second reading.

Mr. Miller, from the same committee to whom had been referred No. 3 of Unfinished Business, being a bill, entitled

"An act to erect a new township in the County of Hunterdon, to be called the township of Mount Airy,"

Reported that it was inexpedient to act on said bill at this time, and asked permission for the applicants to withdraw their papers,

Which report was accepted, and leave given.

The bill from the House of Assembly, entitled

"An act to enable Dennis Coles and Frazee Coles, administrators of the estate of David Martin, deceased, to fulfil a certain contract therein named,"

Was read a third time.

On the question, Shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Porter, (V. P.)  
Lambert,  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—16.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill from the House of Assembly, entitled

“A further supplement to the act entitled, ‘an act for the relief and employment of the poor in the county of Salem, passed March 12, 1796,’

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Porter, (V. P.)  
Lambert,  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—16.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill from the House of Assembly, entitled

“An act to repeal a supplement to the act entitled an act to set off a new Township from the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, to be called the township of Clinton,”

Was read a third time.

On the question, Shall this bill pass ?

It was determined in the negative as follows—

### YEAS.

Messrs. Price,  
Oliphant,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Ireland.—7.

### NAYS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Barber,

Messrs. Porter, (V. P.)  
Corson,  
Miller,  
Board,  
McChesney.—9.

Ordered, That the Secretary inform the House of Assembly that Council have disagreed to said bill, And return the same.

The bill entitled

“A supplement to the an act entitled an act to enable the President and Directors of the Bank of New Brunswick to settle the affairs of said Bank,”

Was read a second time, and considered.

Ordered, That said bill be engrossed and have a third reading.

The bill, entitled

“An act to divorce Jonathan W. Miller from his wife Martha Miller,”

Was taken up,

On agreeing to the first section the vote stood:

### YEAS.

Messrs. Price,  
Oliphant,  
Taylor,  
Lambert,

Messrs. Snyder,  
Haines,  
Kennedy,  
Board.—8.

### NAYS.

Messrs. Armstrong,  
Appleget,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
McChesney.—8,

So it was not agreed to.

Council adjourned to ten o'clock to-morrow morning.

FRIDAY, February 21, 1840

*At ten o'clock Council met.*

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed a bill entitled,

"An act to divorce Susan F. Parker from her husband, William W. Parker."

To which the concurrence of Council is requested.

The bill from the House of Assembly, entitled

"An act to divorce Susan F. Parker from her husband, William W. Parker,"

Was read, and

Referred to Messrs. Pricc, Appleget and Barber.

Mr. Price presented a memorial from the Morris Canal and Banking Company, asking for Legislative aid.

Which was read, and

Referred to Messrs. Price, McChesney and Kennedy.

Mr. Armstrong, from the committee on the Judiciary, to whom had been referred

The bill from the House of Assembly, entitled

"An act to authorize Samuel Dilkes and Nathan Dilkes to sell and convey certain real estate, late the property of John Dilkes, of the township of Greenwich, in the county of Gloucester, deceased,"

Reported adverse to said bill for want of proper notice.

Ordered, That the Report lie on the table.

Mr. Taylor from the committee to whom had been referred the bill, entitled

"An act to authorize the respective townships in the county of Monmouth to borrow money,"

Reported said bill—

Which was ordered to have a second reading.

Mr. Haines, with leave, presented a bill entitled

"A further supplement to the act entitled an act for suppressing Vice and Immorality, passed the 16th day of March 1798."

Which was read.

Ordered, that said bill have a second reading.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bill, entitled

"An act to extend an act entitled, an act to incorporate a bank at Paterson, passed February 16th, 1816, and the supplements thereto,"

Reported adverse to said bill, as said Banking Company has not furnished an annual statement of its concerns.

Which report was agreed to.

Mr. Miller presented a remonstrance from sundry citizens of Warren county against the Legislature passing any act in favor of the Morris Canal and Banking Company.

Which was read, and

Referred to the Committee on that subject.

Mr. McChesney, from the Committee on Corporations, Reported a bill, entitled

"An act relative to the Methodist Episcopal Male Seminary of the New-Jersey Conference, located in Pennington,"

Which was read, and ordered to have a second reading.

Mr. Armstrong, from the committee,

Reported a bill, entitled

"A further supplement to the act entitled an act concerning Roads."

Which bill was read, and ordered to have a second reading.

The engrossed bill entitled

"A supplement to the act, entitled, an act to enable the President and Directors of the Bank of New-Bunswick to settle the affairs of said Bank,"

Was read a third time, and compared.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Snyder,  
Miller,  
Board,  
Haines,  
Kennedy,  
Ireland,  
McChesney.—15.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill, entitled

“An act to incorporate the Somerville Water Power Company,”

Was taken up, read a third time, and compared.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Taylor,  
Irick,  
Porter, (V. P.),  
Corson,  
Snyder,

Messrs. Appleget,  
Oliphant,  
Miller,  
Kennedy,  
Board,  
Ireland,  
McChesney.—14.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

And request their concurrence.

The bill from the House of Assembly, entitled

“An act for the relief of Christopher Philhower of the county of Hunterdon,”

Was read a third time.



**On the question, Shall this bill pass ?**

**It was determined in the affirmative by the votes of all the members present, viz.**

**YEAS.**

**Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)**

**Messrs. Corson,  
Snyder,  
Miller,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—15.**

**Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,**

**Without amendment.**

**On motion of Mr. Appleget, the vote of yesterday by which the first section of the bill entitled,**

**“An act to divorce Jonathan W. Miller from his wife, Martha Miller,”**

**Was disagreed to,**

**Was re-considered, and said bill postponed.**

**The bill entitled**

**“An act regulating suits and contracts made out of the state,”**

**Was taken up.**

**Mr. Haines offered a substitute for said bill, which was read and ordered to be printed.**

**The bill entitled**

**“An act to incorporate the Beneficial Society of Trenton,”**

**Was taken up, considered by sections, and ordered to be engrossed and have a third reading.**

**The bill entitled**

**“An act to dissolve the marriage contract between John Wilson and Eleanor C. Wilson his wife,”**

**Was taken up, and ordered to be engrossed by the following vote, viz:**

**YEAS.**

Messrs. Price;  
 Appleget,  
 Oliphant,  
 Taylor,  
 Irick,  
 Corson,

Messrs. Snyder,  
 Haines,  
 Kennedy,  
 Board,  
 Ireland.—11.

**NAYS.**

Messrs. Armstrong,  
 Porter, (V. P.)

Messrs. Miller,  
 McChesney.—4.

The bill entitled

“An act to divorce Jared Haines, of the county of Morris, from his wife Eliza Haines,”

Was taken up, and indefinitely postponed:

The bill, entitled

“An act to enable Samuel Fowler, administrator de bonis non of Elias Ogden, late of the county of Sussex, deceased, to fulfil certain contracts for the sale of Real Estate,”

Was read a second time, considered by sections, and Ordered to be engrossed and have a third reading.

The bill entitled

“An act to enable the owners and proprietors of the Salt Marsh lying between Secaucus and New Durham, in the county of Bergen, to drain the same, and to erect and maintain dykes, sluices and water-works to prevent the tide from overflowing thereon.”

Was read a second time, considered by sections and postponed.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Taylor from the Committee on Claims to whom had been referred the petition of William Youngs of Morris county, praying for a pension, reported against granting the prayer of the petitioner,

Which was agreed to..

**The bill entitled**

"A further supplement to an act entitled, 'an act securing to mechanics and others, payment for their labor and materials in erecting houses, and other buildings, within the limits therein mentioned, passed the 3rd day of March, 1835, and a further supplement passed March 10th, 1837,"

Was read a second time, and postponed.

**The bill, entitled**

"An act authorizing Benjamin Davis and Caleb Shreve, as trustees and administrators of Samuel C. Davis, deceased, to make and execute a deed of conveyance for certain real estate of said deceased, heretofore sold by them,"

Was read a second time, considered, and ordered to be engrossed, and to have a third reading.

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the bills from Council entitled,

"A supplement to the act entitled an act to incorporate the Morris-Town Fire Association, passed February 27th, 1837,"

"A supplement to the act entitled, 'an act to ascertain the power and authority of the Ordinary and his Surrogates to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties in this State,'"

And

"An act to incorporate the New-Jersey, Delaware and Pennsylvania Steamboat Company,"

Severally, without amendment.

The House of Assembly had agreed to the amendments made by Council to the bill entitled,

"An act to divorce Ann Stivers from her husband Samuel Stivers"

And have caused said bill to be re-engrossed.

**The bill, entitled**

"A further supplement to an act entitled an act for suppressing vice and immorality, passed the sixteenth day of March, 1798,"

Was read a second time, considered, and ordered to be engrossed.

Mr. Iriek offered the following resolution, viz:

*Resolved*, That the Secretary inform the House of Assembly that Council will be ready to go into joint meeting, for the ap-

pointment of such state and county officers as may be deemed necessary, on Thursday morning, the 27th inst., at 10 o'clock, in the Assembly Room.

Which was read, and ordered to be laid on the table.

The bill entitled

“An act directing the payment of a certificate given to William Dobbins for Militia service in the Revolutionary War,”

Was read a second time, considered, and ordered to be engrossed.

The bill from the House of Assembly, entitled

“An act to create the county of Hudson,”

Was read a second time, and on the question of agreeing to the first section, the Yeas and Nays were as follows, viz :

#### YEAS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Corson,

Messrs. Porter, (V. P.)  
Miller,  
Board,  
McChesney.—8.

#### NAYS.

Messrs. Price,  
Snyder,  
Irick,

Messrs. Oliphant,  
Haines,  
Ireland.—6.

So it was determined in the affirmative.

Mr. Haines moved an amendment to the 28th section, so as to give the county of Bergen a representation of three members in the House of Assembly.

On which the votes were as follows :

#### YEAS.

Messrs. Price,  
Oliphant,

Messrs. Snyder,  
Haines,  
Ireland.—5.

## NAYS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Corson,  
Miller,  
Board,  
McChesney.—9.

So the amendment was disagreed to.

A motion having been made to postpone the consideration of the *thirty.seventh* section of said bill, the Yeas and Nays being required thereon,

Were as follows :

## YEAS.

Messrs. Price,  
Oliphant,  
Irick,

Messrs. Corson,  
Snyder,  
Haines,  
Ireland.—7.

## NAYS.

Messrs. Armstrong,  
Appleget,  
Taylor,

Messrs. Porter, (V. P.)  
Miller,  
Board,  
McChesney.—7.

So it was determined in the negative.

Said bill having been read through by sections.

Ordered that the same have a third reading.

The bill from the House of Assembly, entitled

“An act to incorporate the Sussex County Mutual Insurance Company,”

Was read a second time, considered by sections, and

Ordered to have a second reading.

The Joint Resolution from the House of Assembly in relation to the disposition of the Public Domain,

Was read a second time, considered and ordered to have a third reading.

Mr. Price to whom had been referred the petition and remonstrance in relation to the Morris Canal Company,  
Reported a bill entitled

A further supplement to an act, entitled an act to incorporate a company to form an artificial Navigation between the Passaic and Delaware Rivers.

Which was read, and ordered to have a second reading.

Mr. Price, from the committee to whom had been referred a petition for the extension of the Paterson and Hackensack Railroads to the New-York line,

Reported by bill,

Which was read, and ordered a second reading.

Mr. McChesney from the committee to whom had been re-committed the bill entitled

"An act entitled an act to incorporate the Trenton City Bridge Company,"

Reported the same with amendments.

The vote by which

The bill, entitled

"An act to Incorporate the Beneficial Society of Trenton,"

Ordering said bill to be engrossed was reconsidered and said bill was recommitted to the Committee on Corporations.

Council adjourned to ten o'clock to-morrow morning.



**SATURDAY, February 22, 1840.**

*At ten o'clock Council met.*

Mr. Haines, from the committee on the Judiciary to whom had been referred the bill from the House of Assembly entitled

"An act to authorize Rebecca, wife of Alfred Aten, to sell real estate,"

Reported the same with amendments.

Which was ordered to have a second reading.

The bill from the House of Assembly, entitled

"An act to create the county of Hudson,"

Was read a third time.

On the question, Shall this bill pass?  
It was determined in the affirmative as follows:

## YEAS.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney.—9.

## NAYS.

Messrs. Price,  
Oliphant,  
Haines,

Messrs. Irick,  
Snyder,  
Kennedy,  
Ireland.—7.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill

Without amendment.

The bill, entitled—

“An act to divorce Jonathan W. Miller from his wife Martha Miller,”

Was taken up, and

Ordered to be engrossed and have a third reading.

The bill from the House of Assembly, entitled

“An act to incorporate the Sussex County Mutual Insurance Company,”

Was read a third time, and compared.

On the question, Shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Oliphant,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—13.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill,

Without amendment.

The engrossed bill entitled

"A further supplement to the act entitled an act for suppressing vice and immorality, passed March 6th, 1798,"

Was read a third time and compared.

On the question, Shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz.

### YEAS.

Messrs. Price,  
Armstrong,  
Oliphant,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—13.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

And request their concurrence.

The engrossed bill, entitled.

"An act authorizing Benjamin Davis and Caleb Shreve, as trustees and administrators of Samuel C. Davis, deceased, to make and execute a deed of conveyance for certain real estate of said deceased, heretofore sold by them,"

On the question, Shall this bill pass?

It was determined in the affirmative, by the votes of all the members present:

### YEAS.

Messrs. Price,  
Armstrong, ;  
Appleget,  
Oliphant,  
Irick,  
Porter, (V. P.)  
Ireland,

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
McChesney.—14.



**Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and**

**Request their concurrence.**

**The engrossed bill, entitled**

**"An act directing the payment of a certificate given to William Dobbins for Militia services during the Revolutionary War,"**

**Was read a third time, and compared.**

**On the question, Shall this bill pass ?**

**It was determined in the affirmative, by the votes of all the members present:**

### **YEAS.**

**Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Irick,  
Porter, (V. P.)  
Corson,**

**Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—14.**

**Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill, and**

**Request their concurrence.**

**The re-engrossed bill, entitled**

**"An act to enable Samuel Fowler, administrator de bonis non of Elias Ogden, late of the county of Essex, deceased, to fulfil certain contracts for the sale of Real Estate,"**

**Was read a third time and compared.**

**On the question, Shall this bill pass ?**

**It was determined in the affirmative by the votes of all the members present, viz:**

### **YEAS.**

**Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Irick,  
Porter, (V. P.)**

**Messrs. Corson,  
Snyder,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—13.**

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly of the passage thereof,

And request their concurrence.

Mr. Armstrong, from the committee on the Judiciary, to whom had been referred the bill, entitled

"A further supplement to the act, entitled an act against usury, passed the 8th day of February, 1797,"

Reported the same with amendments.

Which was read, and

Ordered a second reading.

Mr. Armstrong, from the same committee, to whom had been referred the bill from the House of Assembly, entitled,

"A supplement to the act entitled an act relative to incorporations and other purposes," passed February 14, 1833,

Reported the same, with an amendment.

A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had passed the bills from Council entitled

"A further supplement to the act entitled an act respecting the Court of Chancery," and

"An act to incorporate the New-Jersey State Agricultural Society,"

Severally, without amendment.

That the House of Assembly have agreed to the amendments made by Council to the following bills, viz:

"An act to enable Dennis Coles and Frazee Coles, administrators of the estate of David Martin, deceased, to fulfil a certain contract therein named," and

"A further supplement to the act entitled, 'an act for the relief and employment of the poor of the county of Salem, passed March 12, 1796,'"

And have caused said bills to be re-engrossed.

The House of Assembly had passed the bills entitled,

"An act to change the time of holding certain Courts in the county of Hunterdon,"

To which bill the concurrence of Council is requested.

The House of Assembly have agreed to the concurrent Resolution relative to the appropriations to Professor H. D. Rodgers, and have appointed Messrs. Brown, G. W. Smyth, and Dunn on the part of the House.

The bill from the House of Assembly entitled

"An act to change the time of holding certain Courts in the county of Hunterdon,"

Was read, [ordered to have a second reading, and Referred to the Committee on the Judiciary.

The bill entitled,

"A further supplement to an act, entitled an act concerning Roads,"

Was read a second time, considered, and ordered to be engrossed, and have a third reading.

The bill from the House of Assembly, entitled

"A supplement to an act entitled 'an act relative to incorporations and other purposes, passed February 14, 1833,'"

Was read a second time as amended, considered and ordered to have a third reading.

The bill entitled

"A further supplement to the act entitled an act against Usury, passed the 8th day of February, 1797,"

Was read a second time and postponed by the following vote:

#### YEAS.

Messrs. Appleget,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
McChesney.—8.

#### NAYS.

Messrs. Price,  
Armstrong,

Messrs. Haines,  
Board,  
Ireland.—7.

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

The bill entitled

"An act regulating suits and contracts made out of this state,"  
Was read a second time, considered and postponed.

A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly had passed the bill entitled,

"A further supplement to the act entitled 'an act concerning landlords and tenants'"

To which bill the concurrence of Council is requested.

The bill from the House of Assembly, entitled

"A further supplement to the act entitled 'an act concerning landlords and tenants,'"

Was read, and referred to the Committee on the Judiciary, and

Ordered to have a second reading.

Council adjourned to three o'clock on Monday afternoon.



MONDAY, February 24, 1840.

*At three o'clock Council met.*

The engrossed bill, entitled

"A further supplement to the act entitled, an act concerning Roads,"

Was read a third time and compared.

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**On the question, Shall this bill pass ?**

**It was determined in the affirmative by the votes of all the members present, viz.**

**YEAS.**

**Messrs. Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.),  
Corson,**

**Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—14.**

**Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,  
And request their concurrence.**

**The bill entitled**

**“A further supplement to an act entitled ‘an act to incorporate a Company to form an artificial navigation between the Passaic and Delaware rivers,’ ”**

**Was read a third time, amended, and postponed.**

**The bill entitled,**

**“An act to incorporate the Trenton City Bridge Company,”  
Was taken up, and postponed to the next Legislature.**

**The bill, entitled**

**“An act to erect a part of the township of Nottingham, in the county of Mercer, into a Borough to be called the Borough of South Trenton,”**

**Was taken up and amended, and**

**Ordered to be engrossed and have a third reading.**

**A message from the House of Assembly, by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the bill from Council, entitled**

**“An act to confirm the last will and testament of Daniel Ennis, late of Owasco, in the state of New-York, deceased,”**

**Without amendment.**

Also, the bill from Council entitled,

"An act for the relief of William Smick, of the County of Salem,"

With an amendment.

To which amendment the concurrence of Council is requested.

That the House of Assembly have passed the bill entitled

"An act relative to holding township elections by ballot in the township of Woodbridge, in the County of Middlesex."

To which bill the concurrence of Council is requested.

The bill from the House of Assembly entitled

"An act relative to holding township Elections by ballot in the township of Woodbridge, in the county of Middlesex,"

Was read, and ordered to have a second reading,  
And referred to the Committee on Corporations.

The bill entitled

"An act for the relief of William Smick of the county of Salem,"

Was taken up, the amendments made in the House of Assembly agreed to, and the bill ordered to be re-engrossed.

Mr. Kennedy called up No. 4 of unfinished business being the bill entitled

"An act to annex part of the township of Independence in the county of Warren, to the township of Hardwick in said county,"

Which was stricken from the files of Council and leave given to withdraw the papers.

The bill entitled

"An act to extend an act entitled an Act to Incorporate a Bank at Paterson, passed Feb. 16th, 1816, and the supplements thereto,

Was taken up and dismissed from the files of Council and leave given to withdraw the papers.

The bill from the House of Assembly, entitled

"An act to authorize Rebecca, wife of Alfred Aten, to sell real estate,"

Was read a second time, amended, and ordered to have a third reading.

**The bill from the House of Assembly, entitled**

**“An act to authorize Samuel S. Dilkes and Nathan Dilkes to sell and convey certain Real Estate, late the property of John Dilkes, of the township of Greenwich, in the county of Gloucester, deceased,”**

**Was taken up, and disagreed to.**

**Ordered, that the Secretary return said bill to the House of Assembly and inform them that Council had disagreed to the same.**

**Council adjourned to ten o'clock to-morrow morning.**

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**TUESDAY, February 25, 1840.**

*At ten o'clock Council met.*

**Mr. Miller presented a memorial from the Morris Canal Company,**

**Which was laid on the table.**

**Mr. Miller, from the Committee on Corporations, to whom had been referred the bill from the House of Assembly, entitled,**

**“An act relative to holding township Elections by ballot in the township of Woodbridge, in the county of Middlesex,”**

**Reported the same, without amendment.**

**Mr. Lambert presented a petition from Palsean Smith and Mary Smith for a Divorce.**

**Which was read, and**

**Referred to Messrs. Price, Appleget and Barber.**

**Mr. McChesney from the Committee on Corporations to whom had been referred the bill entitled**

**"An act to incorporate the Beneficial Society of Trenton;"**  
Reported the same, with an amendment.

Mr. Taylor, from the Committee on the Judiciary, to whom had been referred the communication from the Secretary of War, requesting the Legislature of New-Jersey to pass a law ceding to the United States the whole Island on which Sandy Hook Light House is situated, made the following

## **REPORT :**

The Committee to whom was referred, the communication from the General Government, on the subject of ceding a tract of land at Sandy Hook, in the county of Monmouth, ask leave to report the following :

Upon examination of the subject, your committee perceive, that in the year seventeen hundred and ninety, an act was passed, entitled "an act for visiting in the United States of America, the jurisdiction of a lot of land at Sandy Hook, in the county of Monmouth," which act ceded to, and settled in the United States of America, the jurisdiction of the State of New-Jersey over four acres ; on which the Light House was erected and still continues.

Believing as your committee do, that the land thus ceded, is amply sufficient for all the purposes required, to erect and maintain fortifications, arsenals, magazines, dock yards, or other necessary purposes,—And that a farther grant might tend to open the way, for a resort to the commission of crime and lawless acts, without the power of preventing, or bringing to justice, those who may be guilty ; they have agreed to recommend the following resolution :

*Resolved,* That any Legislative action at this time is inexpedient and unnecessary.

AUGUSTUS R. TAYLOR, Chairman.

February 25th, 1840.

Which was read and agreed to.

The engrossed bill entitled

**"An act for the relief of William Smick of the county of Salem,"**

Was taken up, as amended in the House of Assembly

Which amendment was agreed to, and said bill passed Council by an unanimous vote.



**Ordered,** That the President sign said bill, and the Secretary inform the House of Assembly that Council have agreed to the amendments made to it in the House of Assembly, and have ordered said bill to re-engrossed.

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the bill from Council entitled,

“An act directing the payment of a certificate given to William Dobbins for Militia service in the Revolutionary War,”

Without amendment.

The House of Assembly had passed a bill entitled

“A supplement to an act entitled an act to Incorporate the Lodi Manufacturing Company, for purposes of Agriculture,” passed Feb. 6th, 1840.

To which bill the concurrence of Council is requested.

The bill from the House of Assembly, entitled

“A supplement to an act entitled an act to incorporate the Lodi Manufacturing Company, for purposes of Agriculture,” passed Feb. 6, 1840,

Was read, and

Referred to the Committee on Corporations.

The engrossed bill entitled

“An act to dissolve the marriage contract between John Wilson and Eleanor C. Wilson his wife,”

Was read a third time, and compared.

On the question, Shall this bill pass?

It was determined in the affirmative as follows:

#### YEAS.

Messrs. Price,  
Oliphant,  
Taylor,  
Lambert,

Messrs. Corson,  
Snyder,  
Barber,  
Haines,  
Kennedy.—9.

#### NAYS.

Messrs. Armstrong,  
Irick,  
Porter, (V. P.)

Messrs. Miller,  
Board,  
Ireland,  
McChesney.—7.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

And request their concurrence.

The engrossed bill, entitled

“An act to divorce Jonathan W. Miller from his wife Martha Miller,”

Was read a third time, and compared.

On the question, Shall this bill pass ?

It was determined in the affirmative as follows, viz.

### YEAS.

Messrs. Price,  
Oliphant,  
Lambert,  
Snyder,  
Barber,

Messrs. Taylor,  
Irick,  
Haines,  
Ireland,  
Kennedy,  
Board.—11.

### NAYS.

Messrs. Armstrong,  
Appleget,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
McChesney.—6.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The Joint Resolution from the House of Assembly in relation to the Public Domain,

Was read a third time.

On the question, Shall this Joint Resolution pass ?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
 Armstrong,  
 Appleget,  
 Oliphant,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,

Messrs. Snyder,  
 Miller,  
 Barber,  
 Haines,  
 Kennedy,  
 Board,  
 Ireland,  
 McChesney.—16.

Ordered, That the President sign said Joint Resolution, and that the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The Joint Resolution in relation to an Agricultural Survey of the State of New-Jersey,

Was taken up, and postponed to the next session of the Legislature.

The bill, entitled

“A supplement to an act entitled ‘an act to incorporate the City of Trenton,’”

Was read a second time, a substitute was offered, which was read, and ordered to be printed.

The bill entitled

“A further supplement to an act, entitled an act to incorporate a company to form an Artificial Navigation between the Passaic and Delaware Rivers,”

Was taken up, amended, and whilst the same was under consideration,

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Haines presented a paper signed by several officers of election in Sussex county, denying the charge of having acted corruptly at the last Congressional election.

Which was read, and

On motion of Mr. Haines, ordered to lie on the table.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bill from the House of Assembly, entitled,

"A supplement to an act entitled an act to incorporate the Lodi Manufacturing Company, for purposes of Agriculture," passed Feb. 6, 1840,

Reported the same without amendment.

Ordered, that said bill have a second reading.

Mr. Armstrong, from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly entitled,

"An act to change the time of holding certain Courts in the county of Hunterdon,"

Reported the same, without amendment.

The consideration of the bill entitled

"A further supplement to an act, entitled an act to incorporate a company to form an Artificial Navigation between the Passaic and Delaware Rivers,"

Was resumed.

On the question of striking out the second section, the yeas and nays stood as follows:

#### YEAS.

Messrs. Armstrong,<sup>1</sup>  
Porter, (V. P.)  
Corson,

Messrs: Miller,  
Barber,  
Haines,—6.

## NAYS.

Messrs. Price,  
 Appleget,  
 Taylor,  
 Irick,

Messrs. Snyder,  
 Kennedy,  
 Ireland,  
 McChesney.—8.

So it was determined in the negative.

Ordered to be engrossed and have a third reading.

The bill from the House of Assembly, entitled

“A supplement to the act entitled an act relative to incorporations and other purposes,” passed February 14, 1833,

Was read a third time as amended.

On the question, Shall this bill pass ?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Armstrong,  
 Appleget,  
 Oliphant,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,

Messrs. Snyder,  
 Miller,  
 Barber,  
 Haines,  
 Board,  
 Ireland,  
 McChesney.—14.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

With amendments.

To which amendments the assent of the House of Assembly is requested.

The engrossed bill entitled

**"An act to erect a part of the township of Nottingham, in the county of Mercer, into a Borough, to be called the Borough of South Trenton,"**

**Was read a third time and compared.**

**On the question, Shall this bill pass?**

**It was determined in the affirmative, by the votes of all the members present, viz.**

### **YEAS.**

**Messrs. Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,**

**Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—15.**

**Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,**

**And request their concurrence.**

**A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the following bills, viz:**

**"An act to authorize Mary Brandriff and Josiah Shaw, administrators of Daniel Brandriff, deceased, to fulfil certain contracts therein named,"**

**"An act to divorce Sophia Rutherford, from her husband, Elijah Rutherford,"**

**"A supplement to the act, entitled an act to incorporate the Newark Lime and Cement Manufacturing Company," passed February 20th, 1840; and**

**"An act for the relief of James Schillenger of the county of Cape May."**

**To which bills the concurrence of Council is requested.**

The bill from the House of Assembly, entitled  
 "An act for the relief of James Schillenger, of the county  
 of Cape May,"

Was read, and

Referred to the committee on Claims and Pensions.

The bill from the House of Assembly, entitled  
 "An act to divorce Sophia Rutherford from her husband,  
 Elijah Rutherford,"

Was read, and

Referred to Messrs. Price, Appleget and Barber.

The bill from the House of Assembly, entitled

"An to authorize Mary Brandriff and Josiah Shaw, administrators of Daniel Brandriff, deceased, to fulfil a certain contract, therein named,"

Was read and

Referred to the Committee on the Judiciary.

The bill from the House of Assembly, entitled

"A supplement to an act entitled, an act to incorporate the Newark Lime and Cement Manufacturing Company," passed February 20th, 1840.

Was read, and

Referred to the Committee on Corporations.

The bill, entitled

"A supplement to an act, entitled an act to incorporate the City of Trenton,"

Was read a second time, the substitute adopted, and said bill ordered to be engrossed,

And have a third reading.

The bill entitled

"An act to incorporate the Temperance Beneficial Society of Trenton,"

Was read a second time, considered by sections, and

Ordered to be engrossed and have a third reading.

The bill, entitled

"An act relative to the Methodist Episcopal Male Seminary of the New-Jersey Conference, located in Pennington,"

Was read a second time, considered, and ordered to be engrossed and have a third reading.

The bill from the House of Assembly, entitled

“An act relative to holding township Elections by ballot in the township of Woodbridge, in the county of Middlesex,”

Was read a second time, considered, and ordered to have a third reading.

The bill from the House of Assembly, entitled

“An act to change the time of holding certain Courts in the county of Hunterdon,”

Was read a second time, considered, and ordered to have a third reading.

The bill from the House of Assembly, entitled

“An act to authorize the respective townships in the county of Monmouth to borrow money,”

Was taken up,

And on motion of Mr. Oliphant, disagreed to.

Ordered, That the Secretary inform the House of Assembly that Council have disagreed to said bill,

And return the same.

Council adjourned to ten o'clock to-morrow morning.



**WEDNESDAY, February 26, 1840.**

*At ten o'clock Council met.*

Mr. Armstrong, from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly, entitled,



"An act to authorize Mary Brandriff and Josiah Shaw, administrators of Daniel Brandriff, deceased, to fulfil a certain contract therein named,"

Reported the same.

Which was read, and ordered a second reading.

Mr. Armstrong from the same committee to whom had been referred the bill from the House of Assembly, entitled

"A further supplement to the act entitled 'an act concerning landlords and tenants,'"

Reported the same with amendments.

Mr. Taylor from the Committee on Claims and Pensions, to whom had been referred the bill from the House of Assembly, entitled:

"An act for the relief of James Schillenger, of the county of Cape May,"

Reported the same,

Without amendment.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bill from the House of Assembly entitled,

"A supplement to the act entitled an act to incorporate the Newark Lime and Cement Manufacturing Company," passed February 20th, 1840,

Reported the same,

Without amendment.

Which was ordered to have a second reading.

Mr. Price from the Committee to whom had been referred the bills from the House of Assembly, entitled

"An act to divorce Sophia Rutherford from her husband, Elijah Rutherford," and

"An act to divorce Susan E. Parker from her husband, William W. Parker,"

Reported severally against said bills.

Which reports were agreed to, and those bills severally refused a second reading.

Ordered, That the Secretary inform the House of Assembly that Council have disagreed to said bills, and return the same.

Mr. Price, from the same Committee, to whom had been referred the petition of Palsaem and Mary Smith for a divorce,  
Reported adverse to said petition.  
Which report was agreed to.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bill entitled,

“A supplement to the act entitled an act to incorporate the Burlington Silk Growing & Manufacturing Company,” passed February 15th, 1839.

Reported adverse to the same, which report was agreed to,  
And the bill dismissed from the files of Council.

The engrossed bill entitled

“A supplement to the act, entitled, an act to incorporate the City of Trenton,”

Was taken up,

Read a third time, and compared.

On the question, Shall this bill pass ?

It was determined in the affirmative by the votes of all the members present, viz.

#### YEAS:

Messrs. Price;  
Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—15.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

And request their concurrence.

The bill entitled,

"An act to incorporate the Temperance Beneficial Society of Trenton,"

Was taken up, read a third time and compared.

On the question, Shall this bill pass ?

It was determined in the negative as follows, viz:

**YEAS:**

Messrs. Price,  
Armstrong,  
Applegate,  
Oliphant,

Messrs. Porter, (V. P.)  
Haines,  
Ireland,  
McChesney.—8.

**NAYS:**

Messrs. Taylor,  
Corson,  
Snyder,

Messrs. Miller,  
Barber,  
Kennedy,  
Board.—7.

The engrossed bill, entitled

"An act relative to the Methodist Female Seminary of the New-Jersey Conference, located in Pennington,"

Was read a third time, and compared.

On the question, Shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present:

## YEAS

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—16.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

And request their concurrence.

Mr. Price, from the Committee to whom was referred

The bill from the House of Assembly, entitled

“An act to divorce Elizabeth Heldebrant from her husband, Charles Heldebrant,”

Reported said bill, without amendment.

Ordered, said bill have a second reading.

The engrossed bill, entitled

“A further supplement to the act, entitled act to incorporate a Company to form an Artificial Navigation between the Passaic and Delaware Rivers,”

Was read a third time.

A motion was made to postpone said bill to the next Legislature, and while the same was under consideration,

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

On motion of Mr. Board, the vote taken this morning on the passage of the engrossed bill, entitled

**"An act to incorporate the Temperance Beneficial Society of Trenton,"**

Was re-considered, and said bill placed on its third reading.

A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had passed the bill from Council entitled

**"A supplement to the act, entitled an act to enable the President and Directors of the Bank of New-Brunswick to settle the affairs of said Bank,"**

Without amendment.

The House of Assembly had passed the following bills, viz.:

**"An act in relation to certain streets laid out through the State lands at Paterson, lately sold by Commissioners,"—and**

**"An act to raise by tax the sum of twenty thousand dollars."**

To which bills the concurrence of Council is requested.

The House of Assembly have agreed to the amendments made by Council to the bill entitled,

**"A supplement to the act, entitled an act relative to incorporations, and other purposes, passed February 14, 1836,"**

And have caused said bill to be re-engrossed.

The bill from the House of Assembly, entitled

**"An act in relation to certain streets laid out through the State Lands at Paterson, lately sold by Commissioners,"**

Was read, and

Ordered to have a second reading.

The bill from the House of Assembly, entitled  
 "An act to raise by tax the sum of twenty thousand dollars,"  
 Was read, and  
 Ordered to have a second reading.

Mr. Price, presented a petition from sundry citizens of Hoboken in relation to grading their streets,  
 Which was read, and  
 Referred to Messrs. Price, McChesney and Haines.

Mr. Price, from said committee reported a bill, entitled  
 "An act establishing the grade lines of the streets of Hoboken, in the county of Hudson,"  
 Which was read by its title, and  
 Ordered to have a second reading.

Mr. Haines, from the committee on the Judiciary, to whom had been referred the petition for authority to sell the real estate of Thomas Eddy, deceased,

Reported a bill, entitled  
 "An act to authorize the sale of the real estate of Thomas Eddy, deceased,"  
 Which was read by its title, and  
 Ordered, to have a second reading.

Mr. Armstrong, with leave presented a bill, entitled  
 "A further supplement to the act, entitled an act concerning crimes,"  
 Which was read by its title, and  
 Ordered to have a second reading.

Council went into a Court of Pardons, and after some time spent therein, Council came to order.

The bill from the House of Assembly, entitled  
 "An act to change the time of holding certain Courts in the county of Hunterdon,"

Was read a third time.

On the question, Shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—15.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,  
Without amendment.

The bill from the House of Assembly, entitled  
“A further supplement to the act, entitled an act concerning landlords and tenants,”

Was read a second time, amended, and ordered to have a third reading.

A message from the House of Assembly, by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the following concurrent resolutions, viz.:

*Resolved*, (Council concurring,) that 1000 copies of the Report of the Commissioners on the subject of Lunatics in New-Jersey, be printed under the direction of said Commissioners, and that it be re-committed to them for the purpose of collecting such further information on the subject as they may be able to obtain, with a view to present the same to the next Legislature.

*Resolved*, That 20 copies of said printed Report be placed in the hands of said commissioners and that the residue be distributed in the same manner as other public documents.

To which the concurrence of Council is requested.

The following report and correspondence of the Commissioners appointed by the last Legislature to make enquiries in relation to the Lunatics and Idiots in this State,

Were read, and together with the foregoing resolutions on that subject,

Ordered to lie on the table, viz:

### JOINT RESOLUTION.

*Resolved*, by the Council and General Assembly of this State That the Governor of this State be, and he is hereby authorized to appoint one or more competent person or persons to ascertain as accurately as practicable, the number, age, sex and condition of the lunatics of this State: Also, to ascertain the best and most effectual means for their relief: and if in their opinion the erection of a State Asylum be the best remedy, then to ascertain the necessary cost of the establishment of such an Institution; the best location for the same; together with all such facts as may be necessary to lay the foundation for definite action, and to report at the next Session of the Legislature: And that a sum not exceeding Five Hundred Dollars be appropriated to defray the necessary expense of such investigation.

Passed March 6, 1839.

TRENTON, April 9, 1839.

*Dear Sir:*

I have constituted the following Commissioners under the foregoing Resolution, to wit:—Lewis Condict, of Morris; Augustus F. Taylor, New-Brunswick; Dr. Chs. G. McChesney, Mercer; L. Q. C. Elmer, Esq. of Cumberland, and yourself. I hope you will accept this appointment, and signify such acceptance by a line addressed to me at Newark. The counties assigned by the present arrangement to your particular care, are Essex, Bergen and Passaic. This will of course be subject to any modification by the Commissioners themselves.

Very respectfully,

Your obedient servant,

WM. PENNINGTON,

Governor of New-Jersey.

DR. L. A. SMITH.



*His Excellency Governor Pennington,*

DEAR SIR,

I have the honor herewith to enclose you the report of the Commissioners, appointed by you, on the subject of a State Asylum for the reception of Lunatics, in conformity with a Joint Resolution of the last Session.

Very respectfully,

Your obedient servant,

LEWIS CONDUCT,

*In behalf of Commissioners.*

MORRISTOWN, February 26, 1840.

*To His Excellency*

WILLIAM PENNINGTON,

*Governor of New-Jersey ;*

The subscribers, Commissioners appointed by your Excellency in April, 1839, under the Joint Resolution of the Legislature, "to ascertain the number, age, sex, and condition of the Lunatics of this State : the best and most effectual means for their relief : and if in their opinion, the erection of a State Asylum be the best remedy ; then to ascertain the necessary cost of the establishment of such an institution : the best location for the same, together with all such facts as may be necessary to lay the foundation for definite action ; and to report at the next Session of the Legislature," having considered the various duties prescribed, submit the following

## REPORT :

That in pursuance of their appointment, they met at Newark, at the office of Dr. Smith, on the 12th day of April last, and organized themselves as a board, by electing Dr. Lewis Conduct, as Chairman, and Dr. Lyndon A. Smith, Secretary.

The Resolution of the Legislature, and the Commission of the Governor having been read and considered, it was deemed expedient to apportion the labor among the several commissioners, assigning to each one, such of the counties for his investigation as might be most convenient.

Accordingly, the following arrangement was unanimously agreed to, viz :

The Counties of		} composing the 1st district, } Dr. SMITH.	
Bergen,	Essex, and Passaic,		
Morris,	Sussex, and Warren,	} " 2nd " Dr. CONDUCT.	
Middlesex,	Somerset,	} " 3rd " Dr. TAYLOR.	
Hunterdon, and Gloucester,			
Mercer,	Monmouth and Burlington,	} " 4th " Dr. McCHESNEY.	
Atlantic,	Salem,	} " 5th " L. Q. C. ELMER, Esq.	
Cumberland, & Cape May,			

The first object contemplated in the Resolution, is, to ascertain as accurately as practicable, the number, age, sex, and condition of the Lunatics.

It was considered proper to make distinct enquiries in each township, on these several points, distinguishing such as are supported by their friends, from those who are sustained by public charity, and the average expense of their support. With a view to some uniformity in returns, a tabular blank was suggested, with separate columns for the sexes, age, &c.

Doct. Smith was requested in behalf of the Board of Commissioners, to superintend the printing of a sufficient number of blanks for each district, with a circular letter. A copy of the blank and circular is hereto subjoined—

Number of Lunatics and Idiots in the town of												
No. supported by their friends.		No. supported by the town.		No. roving and supported by charity.		Average age of each.		Whole No.	No. confined.	No. occasionally delirious from drink.	Average expense of keeping per week.	REMARKS.
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.					

SIR—Having been appointed by his Excellency the Governor, a Commissioner to ascertain as accurately as possible, the number, age, sex, and condition of the Lunatics and Idiots in the counties of

I take the liberty of addressing you, and requesting your co-operation in this work of benevolence, as far as regards your own township. By filling the blanks in the annexed Schedule and forwarding to me, at

as soon as you can conveniently, you will greatly promote the cause of suffering humanity. A history of any case of special interest, would be very acceptable.

Your obedient Servant,

Commissioner.

The Commissioners deemed it proper also, to distinguish between the *Insane*, and the *Idiota*, as far as practicable, as well as between those who may be *occasionally* Insane from intoxicating liquors, and those whose *insanity* is of a more *permanent* character. They also thought proper to make a distinction between the raving Maniac, who may be confined by chains, or other severe restraints, to prevent injury to himself or others, from those of more peaceful disposition. It was recommended by the Board to several Commissioners, to make diligent enquiry in every township of the State, by personal visitations as far as practicable, and by intercourse and correspondence with medical practitioners, overseers of poor houses, and with the personal friends of Lunatics, in order to carry into effect the humane intentions of the Legislature. It was also recommended to ask the aid of the Assessors of the Townships, to inquire into these facts, in their calls on the several families.

The second object designated by the resolution, as a part of the duty of the Commissioners, is "to ascertain the best and most effectual means for the relief of the Lunatics in the State."

As some of the States of the Union had erected Lunatic Asylums which had been in successful operation for some years, it was recommended, that as many of the Commissioners as could devote a portion of their time to visit such Institutions during the coming season; should do so, for the purpose of witnessing the arrangement of the buildings—the order—government and discipline of the Institutions—their influence upon the health and habits of the Insane, and the expenses incident to them. Two of the Commissioners, Doctors Smith and Condict, were deputed for this purpose; and in the month of May they visited the McLean Asylum, at Charlestown; the State Lunatic Hospital at Worcester; the General Hospital and State Penitentiary at Boston.

Institutions of a similar character in Connecticut and New-York, they have not yet found leisure to visit. Some allusions to these

Institutions will probably be made in subsequent parts of this Report. Early in July, the Commissioners met again in Newark, for further conference, and to ascertain the result of the inquiries as far as they had been prosecuted in the several Districts.

It has been found impracticable to visit *personally*, every precinct and neighborhood: yet by devoting much attention, and by information which may be relied on from medical gentlemen of known respectability, and from the keepers of county and town poor houses, as well as from individuals connected with Insane persons: the Commissioners believe there are very few cases, in their respective districts, which are not included in this Report, a brief summary of which may be seen in the accompanying table, arranged by districts and counties, and showing in each, the number, sex, average age, and other circumstances, as collected and ascertained by the several Commissioners.

The Commissioners had decided at their first meeting in April, that the Returns from the several districts, when completed, should be made to Dr. Condict, the Chairman of the Board, from which he was instructed to prepare a general report to be presented to the Legislature. Family sickness and urgent professional duties, have delayed the returns from some districts until January. It is not believed however, that any inconvenience will result to the public. If the Report shall be deemed of sufficient interest to warrant its publication by the Legislature, it may go out from the press in pamphlet form: and the next Legislature can adopt such measures as the facts herein ascertained may seem to require. The pecuniary embarrassments now existing, may probably prevent further action during the present year.

By reference to the table it will be seen that the number of Lunatics, so far as the Commissioners have been able to ascertain them in three of the five districts—viz. Dist. 2d, 4th, and 5th, is 281. In the 1st and 3d districts, the Lunatics and Idiots are not distinguished in the returns.

The 1st district returns	64	{ of both classes; dividing them }	32
“ 3d “ “	151	“ “ “ “ “ “	75
Adding to these the	231	from the other three districts,	231

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Gives the whole number of Lunatics, 338

In this estimate, we include only that description of persons designated in the Table, as “*ascertained*,” leaving out the “*computed*.” And by this, it will be seen, that the ratio of Lunatics in this State, somewhat exceeds that of New England, which is estimated at one to every thousand souls.

The population of Massachusetts, by the last census, was, we believe, about 540,000. The returns of Lunatics from 114 towns, containing somewhat less than half her entire population, shewed the number of Lunatics therein ascertained to be 298. This proportion does not vary greatly from ours: our population being now about 250,000, and if some allowance be made for mistakes and occasionally oversight in the examination made in each State, the variance may be easily reconciled.

Of this number, it may safely be expected that one-third, or about 120, will be suitable subjects for a State Institution.

The whole number of Idiots ascertained in districts, No. 2, 4, and 5; is, 151

The 1st district containing 64	{	ascertained Lunatics and Idi-	32
		ots, divided equally, gives	
" 3d: " " 151	"	"	75

Whole number of Idiots in the State; 358

It is sometimes difficult to define the boundary line between Lunacy and Idiocy. The furious Maniac, under the pressure of disease, gradually loses one mental faculty after another, until all are lost, and nothing remains of the noble structure, but the mere animal machine. And the hypocondriac sometimes becomes irritable and impatient—then agitated and fitful—sleepless and turbulent, till at last, nothing can restrain him but chains or the strait jacket. The point at which mania ceases, and idiocy begins, cannot be accurately defined.

In regard to both classes of this unfortunate people, there are no doubt, some few of each, who live in very retired places, and have been overlooked entirely. There are others, whose friends, from motives of delicacy, have been unwilling to give their names and residence. And in each district, the Commissioners seem assured, that there are cases both of Idiocy and Lunacy which are not enumerated, but of which sufficient information was received to warrant the belief, that the number stated, is short of the whole number in the State. Some of the Commissioners are of opinion, that in some districts, the non-enumerated cases amount to between a fourth and a third of those which are ascertained. In the 1st district, Dr. Smith is of the opinion that there are 164 Insane and Idiots, of which number, only 64 are from actual returns. In the 4th district, Dr. McChesney, believes that from one-fourth to one-third should be added to the actual returns of both Insane and Idiots.

It is believed, that cases have existed in each county, of Lunatics confined in jail, either, because they were believed to be danger-

ous to the community when at large, or because of some flagrant outrage. Some have remained in confinement for years, and some of them in chains. There are now in Newark jail, two Lunatics. In New-Brunswick, two in chains; and one in Gloucester poor house, one in Cumberland, and one in Salem, all in chains. The individual, in chains, in Gloucester poor house is confined by hand and leg irons, with a chain extending from each to the floor. He is neither vicious nor violent, and would harm no one, unless, indirectly, by some mischievous prank. He is so restless and uneasy that when not confined in this way, he is constantly engaged in tearing his cell and his clothes to pieces. It is highly probable that this man might be rendered useful to the community, instead of being a burden, were he in a well regulated institution. In this same county, also there is a female who, though but 28 years of age, has been chained by the ankle 12 years.

In the 4th district, Dr. McChesney, says, "I find scenes of misery and wretchedness, that the citizens of New-Jersey have never dreamed of—enough to melt the heart of the most obdurate." He has been able to trace 14 of these cases to intemperance—six to religious excitement, and four to the influence of love. The greater part arose from causes unknown—some were said to have been confined in cells upwards of 20 years.

If the State shall determine to erect an Institution for its Insane, we presume, it will be intended principally for that class of unfortunates, who for the want of such an establishment, are committed to jails, because the community is unsafe when they are at large. They are wandering at all hours—break into dwelling-houses at night, and greatly disturb the repose of families. In many instances they pilfer for hunger—make violent assaults upon the defenceless—set fire to dwellings, and sometimes commit horrid murders—yet in the eye of the law, they are not *Criminals*, because they are *Insane*. The peace and safety of society demand their confinement: and of necessity they are shut up with felons and criminals in county jails, where every thing around them tends but to confirm their insanity, and to render recovery hopeless.

As to the second inquiry prescribed by the Resolution, "the best and most effectual means for relief," there is but one opinion in the Board of Commissioners, which is, that a State Asylum, or Hospital properly constructed and regulated, affords the most comfort, and yields more relief to the Insane, than any other means hitherto devised. This opinion is not the result of speculative theory and visionary conjecture, it rests upon the sure foundation of *actual experiment*: Most of the States in Europe have made the experiment for us: and within a few years, many of our sister States have improved upon European models of these humane Institutions, which have been the means of restoring many hundreds.

of lost and benighted human beings to the bosom of their friends and families.

The raving Maniac requires to be restrained and confined, but the kind of restraint and confinement which is indispensable to him, cannot be furnished by the penitentiary, nor county jail, nor by any private family. The jail may be security against *escape*, and manacles and chains may restrain him from doing violence to himself and others, and this is all these can do. They can do nothing towards his restoration. The violence of disease remains unmitigated, and its victim may linger out years of wretchedness in the dungeon, or death may come speedily to his relief. An Asylum constructed and adapted to the object, we believe can alone furnish the required restraints and remedies. The common hospitals for the treatment of the lame and the sick are almost as unfit for the Maniac, as the jail is—as their bills of mortality will abundantly prove.

The confinement and restraint which are required, must of necessity vary, according to the character which distinguishes each case, as well as to the changes which may daily occur in the treatment of any one case. Every well regulated Asylum possesses the means of adapting these restraints to every modification and form of disease; whilst it places the sufferer under the care of persons who are trained and disciplined and skilled in the treatment: hence it is, that so large a portion of Lunatics are discharged from the Asylums, *cured* and restored to their friends. This is abundantly proved by experience, and especially in cases of recent insanity and of the first attack. And experience also furnishes lamentable proof that to shut up these wretched beings in a common jail, or to confine them by chains and manacles in a poor-house or in a private family, is but to place them beyond the reach of recovery. We adopt the language of the Massachusetts Commissioners, in their Report to the Legislature on this same subject, who say—

“It is a well authenticated fact, that those upon whom the first attack of insanity is most violent, and who are therefore more liable, from the vehemence of its assaults, to commit outrages upon the persons or property of others, are also most easily cured. From all the inquiries made by the Commissioners upon this subject, they have never heard of more than three or four instances of restoration among all those who have been subjected to the rigors of a confinement in jails and houses of correction; while well regulated Institutions for the reception and appropriate treatment of the Insane, have returned fifty, sixty, and, in some instances, ninety per cent. of recoveries. To him whose mind is alienated, a prison is a tomb, and within its walls he must suffer as one who awakes to life in the solitude of the grave. Existence and the capacity of pain are alone left him. From every former source of pleasure or

contentment, he is violently sequestered. Every former habit is abruptly broken off. No medical skill seconds the efforts of nature for his recovery, or breaks the strength of pain, when it seizes him with convulsing grasp. No friends relieve each other in solacing the weariness of protracted disease. No assiduous affection guards the avenues of approaching disquietude. He is alike removed from all the occupations of health, and from all the attention, everywhere, but within his homeless abode, bestowed upon sickness. The solitary cell, the noisome atmosphere, the unmitigated cold and untempered heat, are themselves sufficient soon to derange every vital function of the body, and this only aggravates the derangement of his mind. On every side is raised up an insurmountable barrier against his recovery. Cut off from all the charities of life, endued with quickened sensibilities to pain, and perpetually stung by annoyances, which, though individually small, rise by constant accumulation to agonies almost beyond the power of human endurance: if his exiled mind in its devious wanderings ever approach the light by which it was once cheered and directed, it sees every thing unwelcoming, every thing repulsive and hostile, and is driven away into perpetual exile.

"From the absence of suitable institutions amongst us, the Insane have been visited with a heavier doom than that inflicted upon the voluntary contemner of the law. They have been condemned as no criminal ever was condemned, and have suffered as no criminal ever has suffered. The code by which they have been judged, denounces against them the penalties due only to crime; while it is unmitigated by any of those merciful provisions which, in our penal code, attemper justice with humanity. Even when a criminal stands convicted of perpetrating the most atrocious crime, the benignity of the law accompanies him to the solitude where he is to expiate his offence. He is comfortably clad and warmed and fed at the expense of the State which inflicts his punishment. He is supplied with the means of moral renovation, and when those proofs of penitence and reformation are given, which it is in his power to furnish, the laws relent and authorize the remission of his sentence. But though the insane have been made fellow prisoners with the criminal, they have suffered the absolute privation of every comfort for the body and every solace for the mind. Yet, why should man be treated even as a criminal, who, by universal consent, is incapable of crime? We understand what is signified by retribution for *guilt*, but to speak of retribution for *insanity*, does violence to every feeling of humanity and dictate of conscience. Yet this wretched class of our fellow beings, whose only offence is what others justly regard as among the direct of calamities—as incapable of moral guilt as unhappily they are of moral consolation, have been regarded by our laws as though



they were rather the objects of our vengeance than of commiseration. And were a system now to be devised, whose express object it should be to drive every victim of insanity beyond the limits of hope, it would scarcely be within the power of a perverse ingenuity to suggest one, more infallible than that, which, for so many years, has been in practical operation amongst us. That system could advance one paramount claim to preference. Its experiments have been numerous, and have scarcely ever failed in rendering the most favorable cases of insanity utterly incurable.— This practice re-acts upon the community by which it is sanctioned. To say nothing of the amount of human suffering it has caused, it cannot be doubted that, with appropriate treatment, one-half at least of all the lunatics, whose support must now continue to be a burden upon the State while they live, might have been restored, and this half might have added as much to the resources of the State, as the other would have subtracted from them."

The proper mode of treating insanity was not known until later years : and the legislation of the county, hitherto has doomed the Insane to be treated as criminals and paupers. It is hoped, however, that the Legislature of New-Jersey will not be wanting in its duty to her people, nor behind the age in which we live. She will follow the examples of many of her sisters States, in alleviating the sufferings of humanity.

The following plea in favor of an asylum is quoted from the Report of the Massachusetts Commissioners.—

"Until a period comparatively recent, Insanity has been considered an incurable disease. The universal opinion has been that it was an awful visitation from Heaven, and that no human agency could reverse the judgment by which it was inflicted. During the prevalence of this inauspicious belief, as all efforts to restore the insane would be deemed unavailing, they of course would not be attempted. And even at the present day, and in communities otherwise highly enlightened, there is reason to fear that a lamentable degree of ignorance prevails upon this subject : an ignorance, which, could it be once dispelled, some of the most painful records in the history of human suffering might be closed, immediately and forever. It is now most abundantly demonstrated, that with appropriate medical and moral treatment, insanity yields with more readiness than ordinary diseases. This cheering fact is established by a series of experiments, instituted from holier motives and crowned with happier results, than any ever recorded in the brilliant annals of science. A few individuals, justly entitled to a conspicuous station among the benefactors of their race have exploded the barbarous doctrine that cruelty is the

proper antidote to madness, and have discovered that skill, mildness, and self-devotion to the welfare of the Insane, are the only efficacious means for their restoration. Their labors have been hallowed by the spirit of humanity that inspired them : reviving reason, and returning virtue and happiness have been their reward."

These facts are deeply interesting, and from among many similar statements, the following are selected to remove all doubts concerning their credibility. The 7th Report of the London Prison Discipline Society, published in 1827, shows, that in the Retreat at York, "out of forty patients admitted within three months after the first attack, forty were restored to their friends, recovered. Of those admitted after three, and within twelve months after the commencement of the malady, the proportion of the cures was as 25 to 45 : but of those whose disease was of more than two years' standing, the proportion of cures was only as 14 to 79."

The experiments of Dr. Burrows, at his private Asylum in England, exhibit similar results.

The last Report of the Visitors of the Conn. Retreat for the Insane, shows a ratio of recoveries in the old cases, equivalent to 26 per cent., and out of 24 recent cases, 22 were recovered, being in the ratio of more than 91 per cent. The Commissioners are informed, that at the "Retreat" last mentioned,

"When the circumstances of the patient are supposed to require it, a separate attendant is assigned him, whose duty it is to remain constantly at his side, to occupy his attention with pleasing themes, to humor his caprices, and by skilfully adapting his own conduct to the fitful moods of madness, to soothe and pacify that portion of the mind which had been excited to frenzy, and so to allow those faculties whose action remain undisturbed, to gain the ascendancy. The patient is conducted into the open air, the fields and the woods, that the restorative influences of nature may strike some chord in the heart, as yet unbroken in the fatal struggle with worldly disappointments. It is said, that, when the case is recent, attentions of this kind continued for eight or ten days, have scarcely ever failed to subdue the most terrific and fiend-like ferocity. From this systematic practice, it is believed, arises, in a great degree, the unparalleled success of that institution.

"This novel mode of treating insanity has but lately superseded a system in which fetters, whips, confinement, and suffocation in water almost to drowning, were the standard remedies by which minds whose disease was an irregularity of action accelerated to delirium, were to be soothed and pacified and

restored to harmonious movement. Under that system, thousands of intellects have been precipitated from a condition of temporary danger to one of irretrievable ruin. But when the fierceness of the malady has been assuaged by the union of medical science with all the nameless attentions which benevolence alone can practice or conceive, the restorative energies of the mind have soon prevailed, and an immortal nature has been restored to the capacity of virtue and the enjoyment of happiness."

To this unfortunate class of beings, humanity is in long arrears. One of the strongest, if not one of the first principles of social obligation arises from necessity of relief and ability to relieve. And when does a man so urgently require the light of others to direct his steps as when he wanders in darkness?—When does he stand in such extremity of need of the knowledge and guidance of his fellow-men as when his own mind is a wild chaos, agitated by passions which he cannot quell, and haunted by forms of terror, which the living energy of his nature is perpetually calling into being but cannot disperse? When does he so strenuously demand their succor, as when his own soul is like a living wound, and he has lost all power of distinguishing between the sources of healing and of torture? If the insane have done nothing to forfeit the claim which men who suffer have, by the laws of nature, upon men who are able to prevent that suffering; they should be treated, not with a sole regard to the security of others, but with special reference also to their own misfortunes, and in a manner adapted to shorten their duration, or where that is impossible, at least, to mitigate their severity. However imperiously the public good may demand the coercion of the insane, it can never be just to cast them into a hopeless dungeon, thereby making the cause of their confinement remediless, and then the confinement itself terminable only by the death of the sufferer. In its practical operation, such a system is a direct consignment of human beings to the long protracted and mysterious horrors of madness.

The second Report of the Prison Discipline Society, furnishes the following instructive reason, as to the treatment of Lunatics, in common jails:

"In Massachusetts, by an examination made with care, about thirty lunatics have been found in prison. In one prison were found three; in another five; in another six; and in another ten. It is a source of great complaint with the Sheriffs and Jailers, that they must receive such persons, because they have no suitable accommodations for them. Of those last mentioned, one was found in an apartment in which he had been

nine years. He had a wreath of rags around his body, and another around his neck. This was all his clothing. He had no bed, chair, or bench. Two or three rough planks were strewed around the room: a heap of filthy straw, like the nest of swine, was in the corner. He had built a bird's nest of mud in the iron grate of his den. Connected with his wretched apartment was a dark dungeon, having no orifice for the admission of light, heat, or air, except the iron door, about two and a half feet square, opening into it from the prison.

"The other lunatics in the same prison were scattered about in different apartments, with thieves and murderers, and persons under arrest, but not yet convicted of guilt.

"In the prison of five lunatics, they were confined in separate cells, which were almost dark dungeons. It was difficult after the door was open, to see them distinctly. The ventilation was so incomplete that more than one person on entering them has found the air so fetid as to produce nausea, and almost vomiting. The old straw on which they were laid, and their filthy garments, were such as to make their insanity more hopeless, and at one time it was not considered within the province of the Physician to examine particularly the condition of the lunatics. In these circumstances any improvement of their minds could hardly be expected. Instead of having three out of four restored to reason, as is the fact in some of the favored Lunatic Asylums, it is to be feared that, in these circumstances, some, who might otherwise be restored, would become incurable, and that others might lose their lives, to say nothing of present suffering.

"In the prison in which were six lunatics, their condition was less wretched. But they were sometimes an annoyance, and sometimes a sport to the convicts; and even the apartment in which the females were confined opened into the yard of the men: there was an injurious interchange of obscenity and profanity between them, which was not restrained by the presence of the Keeper.

"In the prison, or house of correction, so called, in which were ten lunatics, two were found about seventy years of age, a male and female, in the same apartment of an upper story. The female was lying upon a heap of straw under a broken window. The snow in a severe storm was beating through the window, and lay upon the straw around her withered body, which was partially covered with a few filthy and tattered garments. The man was lying in the corner of the room in a similar situation, except that he was less exposed to the storm. The former had been in this apartment six, and the latter twenty-one years.

"Another lunatic in the same prison was found in a plank apartment of the first story, where he had been eight years. During this time he had never left the room but twice. The door of this apartment had not been opened in eighteen months. The food was furnished through a small orifice in the door. The room was warmed by no fire: and still the woman of the house said, *"he had never froze."* As he was seen through the orifice of the door, the first question was, "is that a human being?" The hair was gone from one side of his head, and his eyes were like balls of fire.

"In the cellar of the same prison were five lunatics. The windows of this cellar were no defence against the storm, and, as might be supposed, the woman of the house said, "we have a sight to do to keep them from freezing." There was no fire in this cellar which could be felt by four of these lunatics. One of the five had a little fire of turf in an apartment of the cellar by herself. She was, however, infuriate, if any one came near her. This woman was committed to this cellar 17 years ago. The apartments are about 6 feet by 8. They are made of coarse plank, and have an orifice in the door for the admission of light and air, about 6 inches by 4. The darkness was such in two of these apartments that nothing could be seen by looking through the orifice in the door. At the same time there was a poor lunatic in each.

"A man who has grown old, was committed to one of them in 1810, and had lived in it seventeen years.

"An emaciated female was found in a similar apartment, in the dark, without fire, almost without covering, where she had been nearly two years. A colored woman in another, in which she had been six years: and a miserable man in another in which he had been four years."

We believe from personal observation of many years, that many roving Maniacs, who were proper subjects for a well regulated Lunatic Asylum, have remained at large, and unrestrained in their liberty, greatly to the annoyance of society, and frequently dangerous to the lives of the community, merely because the common jail was so revolting to the feelings of humanity. All have preferred to tolerate these unhappy creatures, rather than to imprison the innocent, with felons of every description. Of this class of wandering maniacs, the precise number is unknown. There are ascertained nineteen, and probably as many more are unknown to us. Of those who had been and still are imprisoned, the number is thirty-seven, of these thirteen are in the State Prison. Three are confined by chains and two of these are in the County Poor Houses, and com-

plaint is made of their being very troublesome, and that the accommodations are ill-suited to such cases. The comforts afforded by the jails of this State are as well known to the Legislature, as to the Commissioners. Perhaps their inmates may fare as well as those just described in Massachusetts: if during the rigor of this winter, any survivor in them "*has not froze*" their keepers may say "*we had a sight to do to keep them from freezing.*"

To show conclusively the beneficial effects of such an establishment as we hope to see adopted in New-Jersey, we take occasion to cite a few instances of treatment in the State Lunatic Hospital of Massachusetts, at Worcester. Many of them had been Lunatics and confined in jails with criminals, &c. many years.

"No. 1. Had been in prison twenty-eight years when he was brought to the Institution. During seven years he had not felt the influence of fire, and many nights he had not lain down for fear of freezing. He had not been shaved for twenty-eight years, and had been provoked and excited by the introduction of hundreds, to see the exhibition of his raving. He is now, and has been, comfortable in health—well clad—keeps his bed and room remarkably clean: and although very insane on certain subjects, is most of the time pleasant, companionable, and entirely harmless and docile. He shaves himself twice a week—sits at table with sixteen others—takes his meals—walks about the village and over the fields, with an attendant to accompany him, and enjoys himself as well as his illusions will permit. This man committed homicide.

"No. 2. Had been in one prison fourteen years: he was naked—his hair and beard grown long—and his skin so entirely filled with the dust of charcoal as to render it impossible, from its appearance to discover what nation he was of. He was in the habit of screaming so loud as to annoy the whole neighborhood, and was considered a most dangerous and desperate man. When he came to the Hospital he was provided with a new suit of clothes, which the Sheriff advised us to have taken off and preserved, as he doubted not he would strip them in tatters in two hours. He was, however, induced to preserve them with great care, and has constantly for two years worn his clothes, sleeps in a good bed, sits at the table to take his meals, and is quite a civil, although a very insane man. He too committed homicide.

"No. 3. An old man of 70 years of age or more; had been *chained for twenty-five years*, and had his chain taken off but once in that time. Has for many months been very quiet and

civil, and behaves like a gentleman : and although quite insane, keeps his room in good order, and takes his meals at table with seventeen others, with the utmost propriety.

"No. 4. A female : had so long been confined with a *short chain* as wholly to lose the use of her lower limbs. Her health had been materially impaired by confinement, and she was unable to stand, and had not walked for years. In the Hospital her health has been restored, her limbs rendered again useful, so that she walks without difficulty ; is now in the enjoyment of health and reason, and able to labor sufficiently to support herself. She is now with her friends.

"No. 5. Is a mechanic who had been in close confinement for six years. He committed homicide : and if this institution had not been erected, would probably never have been permitted to leave his cell. He is now a useful mechanic : labors a great portion of his time : often reads his bible and the public papers : is exceedingly happy that this place has been provided for him, and blesses its founders and conductors daily for the benefits conferred by it on himself and other inmates. He walks abroad and often attends church.

"No. 6. Another man reported by the Commissioners, was confined seventeen years before he was removed to the Hospital. He was very violent and dangerous : often in chains, notwithstanding he was in a strong prison room. He used to scream, and commit acts of violence that required the most rigid restraint. He is now well dressed, civil, and, although often excited, is respectful and pleasant—is in the habit of assisting the females in washing the floors, drawing water, preparing food, and similar domestic offices, and is about the premises without restraint. He committed homicide.

"No. 7. Had been confined a violent maniac. Had been caged and chained for years. It was concluded to set him free, and see how he would conduct. He fell foul of his brother, and killed him with a bludgeon, and, pursuing his sister, would probably have done the same to her, had he not been arrested in season to prevent it. When caged he was naked and filthy, but now dresses neatly : is cleanly and civil : mingles freely with sixteen other persons, and, though quite insane, is to us perfectly harmless.

"No. 8. Had been ten years without clothes : a most inconceivably filthy and degraded being : exceedingly violent and outrageous. She now wears clothes, is neat and cleanly in her person, takes her food at table with a large company, does much needle work and knitting, and though at times violent, is managed without the least severity or difficulty.

"No. 9. Another female, exceedingly filthy in her habits, had not worn clothes for two years, during which time she had been confined in a filthy cell, destitute of every thing like comfort, tearing every thing in pieces that was given her. She is now dressed cleanly, works some, takes her food at table in company, sings very pleasantly when requested, and is a large part of the time very civil and agreeable.

"No. 10. Has been insane eight years: almost the whole of the time in jail and in a cage. He cut the throat of an infant while sleeping in a cradle, instantly killing it; made an attack with an axe upon an aged man, at the same time. It is stated that he was in a most wretched condition before he came here. He is now insane, but pleasant: keeps his bed and room in good order, takes his meals regularly at the table, spends much time in reading and conversing with the inmates, and labors some.

"No. 11. Was very insane when he came here, was represented to us as being very violent and dangerous: and a part of the time he was so—being furious and outrageous in the extreme. When he entered the Hospital was filthy, and nearly or quite naked. He is now calm, quiet: dresses himself neatly, keeps his room and bed in good order, and takes his meals with the other boarders. He is now quite pleasant and useful too: works out daily: saws and cuts wood.

"No. 12. A patient six years confined for homicide in close jail, and would probably have been confined for life. After six months here he commenced labor, and has not only continued it daily, but takes excellent care of every thing connected with the farming and gardening establishments. He is pleasant, very mild in his feelings, and ready to perform whatever is required of him. He is trustworthy, and can perform labor without superintendence. We have frequently noticed the novel spectacle of two men ploughing in the field alone, *both insane, both having committed homicide*, and both having been confined in jail for a very long time.

"Many other similar cases might be named. They were all considered incurable, but are now comfortable, and pay great attention to habits of cleanliness and order. We have remarked that when one of these men has been placed in solitary confinement, and suffered to remain a few days without inspection, the disposition to tear clothing, to go naked and filthy returns. We have many that have, for years, been naked, exceedingly filthy and violent, that are now well clad, decent and civil. We have probably fifty that *have been so*, at present scarcely half a dozen remaining in these habits. During the past year, (1834,) one hundred and nineteen patients



have been received into the Hospital: of these fifty-five were old cases, and sixty-four recent ones. In the same period, one hundred and fifteen have been discharged: of these, forty-nine were old cases, and sixty-six recent ones. Of those discharged, sixty-four were cured—twenty-two improved—sixteen stationary—four Miotic—eight have died, and one has eloped. The cures amount to fifty-five and three-fourths per cent.

“We have witnessed with sincere gratification the effect of the kindness and indulgence, moral discipline, and medical treatment, in calming the ravings of the violent—in soothing the agitated passions of the furious—in awakening the hopes, and removing the despondency of the melancholic—as well as in establishing habits of order, cleanliness and civility, in those whose minds are still warped by all the delusions of insanity. In many we have witnessed the embers of apparently expiring reason, rekindle, and these delusions vanish by slow and almost imperceptible movements, till the intellect emerged from its cloud, and the light of reason was restored to the mind.

“Before the last three months, that is, previous to the 1st September, there had been received into the Hospital twenty five recent cases of insanity, in which the period had not exceeded one year: of these, twelve had been discharged cured, 5 had been discharged improved, some of which were nearly well, and others convalescing, and six remain improved; leaving only two that exhibit no manifest improvement. Of those *old cases*, of one or more years standing, which were considered not incurable, that had been in the Hospital before the last three months, or prior to the 1st September, the whole number is thirty-eight—of which eleven have been discharged, cured, two have been discharged, improved; and twelve remain, improved—so that twenty-five out of thirty-eight cases have exhibited symptoms of amendment. Many recent cases that show no improvement whatever in three months, in six months, or a year, entirely recover. But three months, and even twelve, are considered too short a period to make a decided impression upon some chronic cases, that, by persevering application of medical, moral, and intellectual means, will ultimately be restored. This will be especially true of chronic cases of many years standing. The “chaos of illusions” which disturb the imagination in old cases, cannot be “swept at once from the tablet of the mind.” Long and persevering efforts are required to break up these illusions, and restore the intellect to soundness, in cases confirmed by years, even where no physical disorganization has taken place.”

The first patient admitted to the Lunatic Hospital at Worcester, was on the 19th January, 1834. Between that time and the

last of December following, one hundred and sixty-four were admitted—many of which were of long standing and had become incurable. They came from long confinement, from ten to thirty-two years, in jails and poor houses; their cases were entirely unknown to the physician; the attendants and nurses were all inexperienced and unacquainted with their respective duties. Coming in at different periods of the same year, their average medical treatment was about six months. Under all these disadvantages, the trustees state “thirty-two insane persons have in this short period of time been *fully recovered*.”—And respecting the others they thus speak:

“But, however deeply all our better feelings may be moved by the reflection, that thirty-two of our fellow beings, under the auspicious influences of this institution, have already been restored to reason, and returned to bless the families and friends, who, under the former coercive system of treatment, would have mourned their loss, “without hope,” yet the ameliorated condition of such as have not been recovered, the Trustees regard as a subject for equal congratulation among men, and gratitude to Heaven. No one, who has not actually seen, from time to time, the inmates of the Hospital, can comprehend the extent of the change which has taken place in every external indication that marks the physical and moral condition of a human being. Many who, in their paroxysms, used formerly to wound and lacerate their own persons to a degree that threatened life itself, now habitually exercise an ordinary degree of prudence in avoiding the common causes of annoyance and accident. Not less than one hundred of those brought to the Hospital seemed to regard human beings as their enemies, and their first impulse was to assail them with open or disguised force. Now there are not more than twelve who offer violence. Of forty persons, who formerly divested themselves of clothing, even in the most inclement seasons of the year, only eight do it now. Through all the galleries there is far less susceptibility to excitement, more quietude, more civility and kindness exercised towards each other. The wailings of the desponding and the ravings of the frantic are dispelled. The internal change is legible upon the countenance. With the insane it is emphatically true, that the dark shadows of the mind are visibly projected upon the face. Hence from the alteration which has in so many instances occurred in the outward aspect, amounting almost to a change in identity, there may be inferred a corresponding change within. The deep lines of anguish have been obliterated or softened, whose sharp engravings were begun, many years ago, in despair. The wide circle and heart-sickening variety of horrors, exhibited by the inmates,

when first brought together, as though every region of the "dark immense" of insanity had sent a representative of its terrors, have been greatly reduced in extent, and mitigated in quality. If the erroneous action of the mind has not yet been rectified, the dreadful emotions that once accompanied and aggravated its movements, have been dispelled, and they are now succeeded by milder and more peaceful sentiments. Happily the feelings and emotions may be divested of their pain and terror, even after the intellect has forever lost all power of distinguishing the true from the false, in its ideas and perceptions.

"The class of *incurables* now embraces, and probably always must embrace, a large proportion of all the inmates of the Hospital. This fact is an important one in reference to the success of the institution. Of the whole number, *one hundred and eighteen*, in the hospital, over seventy belong to this class. Whilst the return of so large a body of our fellow beings to the bosom and business of society, is for the most part hopeless, the State may well console itself with the reflection, that their condition here is very essentially improved. The maniac of the most ferocious character, has been here, not indeed *cured*, but tamed and restored to the comforts and decencies of life.—The experiment of this institution has abundantly and happily shown, and there are very few cases of derangement or obliquity of intellect, which may not be ameliorated by the kindly influences of humane treatment. In this respect the bounty of the Commonwealth has not been misplaced. The result in the opinion of the Trustees, has entirely exceeded the most sanguine anticipations. And this alone is a consummation which can neither be weighed nor measured by any pecuniary consideration whatever."

By the Hospital Report of December, 1836, it appears that of 161 cases, of less than one year's duration, 132 were cured—11 improving—10 died—6 removed before the remedies were tested, and only two left to become *old* cases.

The Institution of Charenton, near Paris, under the care of the distinguished Esquirol, in a late report, which embraces a period of eight years, shews the following results:

Admitted in eight years,		1557
Patients previously in Hospital,		492
<b>Total,</b>		<b>2049</b>
Recovered,	- - - -	518
Died,	- - - -	546
Discharged, not cured,	- - - -	514
Remained,	- - - -	471
<b>Total,</b>		<b>2049</b>

The 3rd inquiry submitted in the Resolution relates to the cost of the establishment. On this subject the Commissioners are relieved from difficulty, by the experience of other States.

The Worcester Lunatic Hospital is perhaps the best model we can imitate, and yet no doubt the experience of that Institution may suggest some improvements. The Legislature of Massachusetts appropriated \$30,000, directing a building to be erected, calculated for the accommodation of 120 Lunatics—a Superintendent—his family—and the attendants and nurses, &c.

A centre building, 4 stories high, 76 feet in length, 40 in width, with wings 90 feet each in front and 100 feet in the rear, 36 feet wide, and 3 stories high, was constructed and finished, for something less than \$24,000. It is constructed of brick except the basement, which is of rough granite, and the whole is built in a firm and workman-like manner. The grounds were furnished by individuals in Worcester.

With the same economy it is believed that \$20,000 may be sufficient for a durable edifice, calculated to accommodate the Lunatics of our State. Should the number of insane increase, the wings may be extended without impairing the symmetry of the building, and at an expense, less in proportion, than that of the front.

The 4th inquiry, is “the best site for its location,” &c. We have reason to believe, that some philanthropic gentlemen in the State, who have evinced a deep interest in behalf of the suffering insane, may contribute liberally toward such an institution as is proposed, provided its location be such as their judgment approve. The site should combine pure air, abundance of pure water, without stagnant pools—a farm containing grounds for tillage, pasture, meadow and fuel.

Labor in the fields and garden, in certain stages of lunacy, is considered an important part of the treatment at Worcester, as well as in every other well regulated institution of this kind. The location should be easy of access from all parts of the State, and surrounded by a population who would feel an interest in its welfare. The attention of the Commissioners has not been directed to any site *particularly*. W. C. Dusenberry, Esq., late of Port Colden, in Warren Co., has offered his farm for the purpose, at what he considers to be a reasonable price, and has furnished a survey and plot. In point of fertility and quantity, and proportion of meadow, pasturage, tillage, and fuel, as well as to its location on the Canal, it might in these respects be unobjectionable.

We conclude this imperfect outline of a report, with remarking, that if the Legislature shall deem the subject of sufficient importance to re-commit it to our hands, we take the liberty,

through your excellency, to tender our services gratuitously, to collect and embody such further information as we may be able, during the ensuing year, and to submit the same, through your hands, for their further action at the next Session.

Very respectfully, &c.,

In behalf of the board of Commissioners,

LEWIS CONDUCT, Chairman.

TRENTON, Feb. 26, 1840.

[See Table.]

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IDIOTS.										Ascertained County Total of both Classes.		Ascertained District Total of both Classes.	
Towns Counties.		Roving and dependent on Charity.		Average age.		Ascertained Total.		Computed.		Males.	Females.	Males.	Females.
Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.						
4	5	1	-	40	36½	13	20	50		-	-	26	40
ve therefore been divided equally, as Insane and Idiots.													
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5	7	-	-	25	37½	7	16			17	20		
-	-	1	-	29½	17	4	3			35	23	79	55
some from birth, and some from Epilepsy,						12				31	11		
										12			
-	-	-	-	-	-	-	-			26	11		
-	-	-	-	-	-	-	-			25	12		
-	-	-	-	-	-	-	-			19	16		
4	16	-	-	35	33	17	19			39	44		
	-	-	-	35	42	9	7			28	11		
4	15	-	-	34	37	19	21			29	34	96	89
1	1	-	-	-	-	1	1			3	2		
4	4	-	-	-	-	4	4			25	16		
5	4	-	-	-	-	5	4			9	8	37	26

A number of Idiots, Males 93, Females 103.

**The bill, entitled**

**“An act to abolish imprisonment for debt and to punish fraudulent debtors,”**

**Was taken up, and postponed to the next Legislature, by the following vote :**

**YEAS.**

**Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,**

**Messrs. Porter, (V. P.)  
Miller,  
Barber,  
Board,—8.**

**NAYS.**

**Messrs. Price,  
Oliphant,**

**Messrs. Snyder,  
Haines.—4.**

**Mr. Haines, with leave, presented a bill entitled**

**“A further supplement to the act entitled, an act to abolish imprisonment for debt in certain cases.”**

**Which was read, and**

**Ordered to have a second reading.**

**Council adjourned to ten o'clock to-morrow morning.**



**THURSDAY, February 27, 1840.**

*At ten o'clock Council met.*

**The consideration of the engrossed bill, entitled**

**"A further supplement to the act, entitled act to incorporate a Company to form an Artificial Navigation between the Passaic and Delaware Rivers,"**

**Was resumed—and on motion to postpone said bill to the next session of the Legislature, the vote stood as follows, viz.**

**YEAS.**

**Messrs. Armstrong,  
Appleget,  
Porter, (V. P.)  
Corson,  
Snyder,**

**Messrs. Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland.—11.**

**NAYS.**

**Messrs. Price,  
Oliphant,**

**Messrs. Irick,  
McChesney.—4.**

**After some further consideration of the subject, the vote to postpone said bill to the next sitting of the Legislature was reconsidered, and said bill dismissed from the files of Council, and leave given to withdraw the papers connected therewith.**

**The bill from the House of Assembly, entitled**

**"A further supplement to the act, entitled an act concerning landlords and tenants,"**

**Was read a third time, as amended.**

**On the question, Shall this bill pass?**

It was determined in the affirmative, by the votes of all the members present, viz.

## YEAS.

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Snyder,  
 Barber,

Messrs. Haines,  
 Kennedy,  
 Miller,  
 Board,  
 Ireland,  
 Oliphant,  
 McChesney.—15.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

With amendments.

To which amendments the assent of the House of Assembly is requested.

The bill from the House of Assembly, entitled

“An act relative to holding township Elections by ballot in the township of Woodbridge, in the county of Middlesex,”

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
 Armstrong,  
 Appleget,  
 Oliphant,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,

Messrs. Snyder,  
 Miller,  
 Barber,  
 Haines,  
 Board,  
 Ireland,  
 McChesney.—15.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill from the House of Assembly, entitled  
 "An act to authprize Rebecca, wife of Alfred Aten, to sell real estate,"

Was read a third time.

On the question, Shall this bill pass ?

It was determined in the affirmative by the votes of all the members present, viz.

#### YEAS.

Messrs. Price,  
 Armstrong,  
 Appleget,  
 Oliphant,  
 Taylor,  
 Porter, (V. P.)  
 Corson,

Messrs. Snyder,  
 Miller,  
 Barber,  
 Haines,  
 Board,  
 Ireland,  
 McChesney.—14.

Ordered, That the V. President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

With an amendment.

To which amendment the assent of the House of Assembly is requested.

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the bill from Council, entitled

"An act relative to the Methodist Female Seminary of the New-Jersey Conference, located in Pennington,"

Without amendment.

The House of Assembly have passed the bill from Council entitled,

"An act authorizing Benjamin Davis and Caleb Shreve, as trustees and administrators of Samuel C. Davis, deceased, to make and execute a deed of conveyance for certain réal estate of said deceased, heretofore sold by them,"

With an amendment.

To which amendment the concurrence of Council is requested.

The House of Assembly have passed the following bills, viz.

"A Supplement to an act, entitled an act to establish Public Schools, passed March 1st, 1838," and

"An act to provide for voting by ballot in the township of Belleville, in the county of Essex,"—

"A supplement to the act, entitled an act authorizing the enclosing of a certain tract of land situate in the township of Caldwell, county of Essex, called the Hatfield Swamp," passed the 28th day of January, 1829,—

"A further supplement to the act, entitled an act to establish and confirm the charter rights and privileges of the Borough of Elizabeth," passed the 28th November, 1789,—

A Joint Resolution relative to printing Journals, Laws, &c.

A Joint Resolution relative to appropriation to the State Penitentiary—and

A Joint Resolution relative to repairs at the State Arsenal.

To which Bills and Joint Resolutions the concurrence of Council is requested.

The bills from the House of Assembly, entitled

"A supplement to the act, entitled an act to establish Public Schools, passed the 1st day of March, 1838,"—and

"An act to provide for voting by ballot in the township of Belleville, in the county of Essex,"

Were severally read by their titles, and ordered to have a second reading.

The bill from the House of Assembly, entitled

"A supplement to the act, entitled an act authorizing the enclosing of a certain tract of land situate in the township of Caldwell, in the county of Essex, called the Hatfield Swamp, passed the 28th day of January, 1829,"

Was read, and

Referred to the Committee on the Judiciary.

The bill from the House of Assembly, entitled

"A further supplement to the act, entitled an act to establish and confirm the charter rights and privileges of the Borough of Elizabeth, passed the 28th day of November, 1789,"

Was read, and

Ordered to have a second reading.

The Joint Resolutions relative to printing the Journal, Laws, &c.  
Relative to repairs to the State Arsenal, and

One relative to appropriations for the State Penitentiary,"  
Were severally read, and  
Ordered to have a second reading.

**The bill entitled**

"An act authorizing Benjamin Davis and Caleb Shreve, as Trustees and Administrators of Samuel C. Davis, deceased, to make and execute a deed of conveyance for certain real estate of said deceased, heretofore sold by them,"—

As amended in the House of Assembly,

Was read—the amendment agreed to—and said bill ordered to be re-engrossed.

A message from the House of Assembly, by Mr. Coppuck their clerk, informed Council that the House of Assembly had completed their list of nominations for Joint Meeting, and had forwarded a copy thereof to Council.

Council proceeded to make their list of nominations for Joint Meeting.

A message from the House of Assembly by Mr. Coppuck their Clerk, informed Council, That the House of Assembly are now ready to go into Joint Meeting.

Council withdrew to attend Joint Meeting, in the Assembly Room, and after some time spent therein,

Council returned and came to order.

A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had passed the bill from Council entitled

"An act to dissolve the marriage contract between John Wilson and Eleanor C. Wilson his wife,"

Without amendment.

The House of Assembly had passed a bill entitled

"An act to incorporate the New-Jersey Patent Ship Bread Company."

To which bill the concurrence of Council is requested.

The bill from the House of Assembly, entitled

"An act to incorporate the New-Jersey Patent Ship Bread Company,"

Was read and

Referred to the Committee on Corporations.

Council adjourned to nine o'clock to-morrow morning.

**FRIDAY, February 28, 1840.**

*At nine o'clock Council met.*

Mr. Armstrong, from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly, entitled,

"A supplement to an act, entitled an act authorizing the enclosing of a certain tract of land situated in the township of Caldwell, in the county of Essex, called the Hatfield Swamp, passed the 28th day of February, 1829,"

Reported the same without amendment.

Ordered, that said bill have a second reading.

Mr. Miller, from the Committee on Corporations, to whom had been referred the bill from the House of Assembly, entitled,

"An act to incorporate the New-Jersey Patent Ship Bread Company,"

Reported the same, without amendment.

Ordered, said bill have a second reading.

Mr. Haines, from the committee on the Judiciary, to whom had been referred the bill entitled

"A further supplement to the act, entitled an act respecting conveyances,"

Reported the same,

Which was read, and

Ordered, said bill have a second reading.

Ordered, That said bill be postponed to the next session of the Legislature.

Mr. Irick, from the Joint Committee on the Militia, made the following

### **REPORT:**

The Joint Committee on the Militia, ask leave to Report—That they have had the subject under consideration, and are of the opinion that a well organized and uniform Militia is an im-

portant branch of our National defence—a well regulated and properly disciplined militia is not debateable ground ; the Constitution of our country provides for it—the public good requires it. Such a system is better suited to our Institutions than standing armies—which, although they may sometimes be useful, are always dangerous in a Republic like ours. But, inasmuch as the subject is likely to receive the attention of Congress, it is deemed inexpedient to make any alteration in the militia system at this time.

Your committee would further report that they have inspected the State Arsenal, and find the Ordnance, Arms and Accoutrements, in good order. They also deem it expedient that proper attention should be given to the collecting of such Arms and Ordnance belonging to this State that has been loaned to the several Brigades which are not in use to be returned to the said Arsenal.

Your committee would also further state, that in examining the arsenal and fixtures they discover one of the pumps has become useless, and requires a new one ; the carriage house wants roofing—the window shutters in front of the dwelling house are out of order ; there are also some other repairs necessary about said premises.

Your committee, therefore, recommend an appropriation of one hundred dollars, believing that sum will be sufficient to cover all the necessary repairs at said Arsenal.

And further ask leave to present the accompanying resolution for the consideration of the Legislature.

All which is respectfully submitted.

WM. IRICK,  
NATH. BOARD,  
JAMES SNYDER,

} Committee of  
Council.

ARTHUR V. P. SUTPHEN,  
THOMAS E. COMBES,  
JOHN G. ACKERSON,  
CHARLES REEVES,  
C. C. CRUSER,

} Committee  
of  
Assembly..

Which report was read, and ordered to lie on the table.

**The bill entitled**

**"A further supplement to the act, entitled an act concerning crimes,"**

**Was read a second time, considered, and ordered to be engrossed and have a third reading.**

**The bill entitled**

**An act for establishing the grade lines of the streets of Hoboken in the county of Hudson,"**

**Was read a second time, considered by sections, and**

**Ordered that the same have a third reading.**

**The re-engrossed bill, entitled**

**"An act authorizing Benjamin Davis and Caleb Shreve, as Trustees and Administrators of Samuel C. Davis, deceased, to make and execute a deed of conveyance for certain Real Estate of said deceased, heretofore sold by them,"**

**Was read a third time as amended in the House of Assembly, and compared.**

**On the question, Shall this re-engrossed bill pass ?**

**It was determined in the affirmative by the votes of all the members present, viz:**

#### **YEAS.**

Messrs. Price,  
Applegat,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—14.

**Ordered, That the Vice-President sign said bill, and the Secretary inform the House of Assembly that Council have agreed to the amendments made to it in the House of Assembly, and have ordered said bill to be re-engrossed.**

**The engrossed bill, entitled .**

**"An act to incorporate the Temperance Beneficial Society of Trenton,"**

**Was taken up,**

**On the question, Shall this bill be postponed indefinitely ?**

**It was determined in the negative as follows—**



## YEAS.

Messrs. Price,  
Oliphant,  
Taylor,  
Corson,

Messrs. Miller,  
Kennedy,  
Board.—7.

## NAYS.

Messrs. Armstrong,  
Appleget,  
Irick,  
Porter, (V. P.)

Messrs. Haines,  
Ireland,  
McChesney.—7.

On the question, Shall this bill pass ?

It was determined in the negative as follows, viz:

## YEAS.

Messrs. Armstrong,  
Appleget,  
Irick,  
Porter, (V. P.)

Messrs. Haines,  
Ireland,  
McChesney.—7.

## NAYS.

Messrs. Price,  
Oliphant,  
Taylor,  
Corson,

Messrs. Snyder,  
Miller,  
Kennedy,  
Board.—8.

•The bill from the House of Assembly, entitled

“An to authorize Mary Brandriff and Josiah Shaw, administrators of Daniel Brandriff, deceased, to fulfil a certain contract, therein named,”

Was read a second time, considered, and ordered to have a third reading.

The fifteenth rule was dispensed with, and said bill was read a third time.

On the question, Shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present, viz :

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesuey.—16.

Ordered, That the Vice-President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill from the House of Assembly, entitled  
“An act for the relief of James Schillenger, of the county of Cape May,”

Was read a second time, and considered.

Ordered, that said bill have a third reading.

The fifteenth rule being dispensed with, said bill was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—15.

Ordered, That the Vice-President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

Without amendment.

**The bill entitled**

**"An act to authorize the sale of the real estate of Thomas Eddy, deceased,"**

**Was read a second time, and**

**Ordered to be engrossed and have a third reading.**

**The bill entitled**

**A further supplement to the act entitled, an act to abolish imprisonment for debt in certain cases,**

**Was read a second time, considered, and ordered to be engrossed, and have a third reading.**

**A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the following bill, viz:**

**"An act to incorporate the Monmouth single-rail Rail Road and Transportation Company,"**

**To which the concurrence of Council is requested.**

**Also, that the House of Assembly had adopted the accompanying Resolution, in relation to printing the report of the Commissioners on the subject of the Lunatics of this state.**

**The bill from the House of Assembly, entitled**

**"An act to incorporate the Monmouth single-rail Rail Road and Transportation Company,"**

**Was read, and**

**Referred to the Committee on Corporations.**

**The bill from the House of Assembly, entitled**

**"An act in relation to certain streets laid out through the State Lands at Paterson, lately sold by Commissioners,"**

**Was read a second time, and considered.**

**Ordered, That said bill have a third reading.**

**The fifteenth rule being dispensed with, said bill was read a third time.**

**On the question, Shall this bill pass?**

**It was determined in the affirmative, by the votes of all the members present, viz.**

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—15.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill,

Without amendment.

The engrossed bill entitled

“A further supplement to the act entitled, an act concerning crimes,”

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative, by the votes of all the members present:

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Porter, (V. P.)  
Corson,  
Snyder,  
Miller,

Messrs. Oliphant,  
Taylor,  
Irick,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—15.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill,

And request their concurrence.

The bill from the House of Assembly entitled  
 "A supplement to the act, entitled an act to establish Public  
 Schools, passed the 1st day of March, 1838,"  
 Was taken up, and  
 Referred to the Committee on Education.

The bill from the House of Assembly, entitled  
 "An act to incorporate the New-Jersey Patent Ship Bread  
 Company,"  
 Was read a second time, and considered.  
 Ordered, That said bill have a third reading.

Mr. McChesney from the committee on Education, to whom  
 had been referred the bill from the House of Assembly, entitled  
 "A supplement to the act entitled an act to establish Public  
 Schools; passed the 1st day of March, 1838,"

Reported the same, with an amendment.

Which bill was read a second time, amended, and ordered  
 to have a third reading,

Council adjourned to three o'clock this afternoon.

---

*At three o'clock Council met.*

The fifteenth rule being dispensed with, the bill entitled  
 "An act establishing the grade lines of the streets of Hobo-  
 ken, in the county of Hudson,"

Was read a third time.

On the question, Shall this bill pass ?

It was determined in the affirmative by the votes of all the  
 members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—16.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have have passed the same,

And request their concurrence.

Mr. Armstrong, from the committee on the Judiciary, to whom had been referred so much of the Treasurer's Report as relates to the Transit duties and Taxes payable by the Camden and Amboy Rail Road and New-Jersey Rail Road and Transportation Companies, made the following Report :

The Committee on the Judiciary, to whom was referred so much of the State Treasurer's Report as relates to the Transit duties and tax payable by the Camden and Amboy Rail Road and Transportation Company, and the New-Jersey Rail Road and Transportation Company, respectfully

## REPORT:

That, by the 23d section of the "Act to incorporate the Camden and Amboy Rail Road and Transportation Company," passed February 4th, 1830, it was made the duty of the treasurer of the Company, from and after the completion of the rail road, which was authorized to be constructed from the Delaware River at some point or points between Cooper's Creek and Newton Creek in the county of Gloucester to a suitable point or points upon the Raritan Bay, to make quarterly returns to the Treasurer of the State and to pay to him "at the rate of ten cents for each and every passenger and the sum of fifteen cents for every ton of merchandise transported upon the said road," and it was provided that no other tax or impost should be levied or assessed upon the said Company. By "an act relative to the Camden and Amboy Rail Road and Transportation Company," passed February 4th, 1831, a thousand shares of the capital stock of said Company were transferred to the State, and it was provided "that the said company should pay to the state the sum of ten cents for each passenger carried on their road across this State between the Delaware River and Raritan Bay," to commence when the road was so far completed that passengers should be transported thereupon across the State, "instead of a rateable tax for passengers as reserved in the said act of incorporation." By an act passed March 2d, 1832, a thousand additional shares of the joint stock of the Delaware and Raritan Canal, and the Camden and Amboy Rail Road and Transportation Companies which had previously been united, were transferred to the State, and it was further enacted as follows, "That if, within one year from the time that the said

rail road from Bordentown to Amboy is so far completed that passengers and merchandise be transported thereon, the transit duties reserved by the acts incorporating said companies and the dividends on the stock hereby authorized to be transferred, shall not amount to thirty thousand dollars, it shall be the duty of the said companies to pay such deficiency to the Treasurer of this state out of the joint funds of the said companies, before any dividend is made to the stockholders ; and that each and every year thereafter, such deficiency, if any shall exist, shall be paid by the said companies, so as to secure to the state the aforesaid sum of thirty thousand dollars, at least, in each and every year during said charter." By the same act, the said companies were required to construct a lateral road from a suitable point at or west of the village of Spotswood to New-Brunswick, to be completed as soon as any rail road should be made from New-Brunswick to the Hudson river. By an act passed March 15th, 1837, the companies were authorized instead of the last mentioned lateral road to construct a road from New Brunswick to Trenton, and thence to Bordentown, with a spur or branch to the Trenton Delaware Bridge, and were required to pay to the state " at the same stated periods, the same transit duties for goods, wares and merchandise, and for passengers transported on or over said road, from Bordentown, from the Trenton Delaware Bridge, or from the city of Trenton to the city of New-Brunswick, or from the city of New-Brunswick to Trenton, the Trenton Delaware Bridge, or Bordentown, that they would be liable to pay to the state for the same goods and passengers, if they had been transported on the Camden and Amboy Rail Road from Camden to South Amboy." The fifth section of the same act provides that nothing therein contained shall be deemed, construed or taken " in any way to affect, impair or defeat, the rights of the state, of, in or to the shares they now hold of the capital stock," if the united companies, " or the interest or dividends accruing thereon, and to the transit duties for the transportation of goods, wares and merchandises, and of passengers on the said canal and rail road, or the right of redeeming said works," " but the state shall be and remain entitled to their said rights, privileges and emoluments, as fully as if this act had not been passed." The preceding statement, it is believed, contains a full view of so much of the several laws relating to the said companies, as is necessary to a correct decision of the two questions on which it is understood, that a difference of opinion exists between the State Treasurer and the officers of the companies, and which are



first, Whether the transit duties reserved by the act of March 15th, 1837, are to be computed and included as part of the sum of \$30,000, secured to the state by the act of March 2d, 1832, or the companies are bound to pay that sum yearly independent of those transit duties? And second, Whether the companies are bound to pay transit duties on goods and passengers, transported from South Amboy to Bordentown, Camden, or any other point on the Delaware, and from New-Brunswick to Trenton City, the Trenton Delaware Bridge or Bordentown, and *vice versa*, without being carried out of the State, or only upon such goods and passengers as are brought from and designed for places without the State?

The first of these questions is by no means free from doubt, and a strict construction of the law would perhaps require the companies to make good to the state the sum of thirty thousand dollars out of the dividends of one thousand shares of the stock and the transit duties received from the Camden and Amboy Rail Road and the Delaware and Raritan Canal, without including those received from the road between Bordentown and New-Brunswick. But without pursuing this inquiry, the Committee are disposed to recommend the adoption of a more liberal construction, and to regard the road authorized by the act of March 15th, 1837, as a substitute for the lateral road required to be made by that of March 2d, 1832, and consider the guarantee as applicable only to a deficiency of the whole transit duties received from the companies and the specified dividends. On the second of the questions above stated, the committee entertain no doubt. They regard the language of the law as clearly requiring the payment of a transit duty on all goods and passengers transported on the roads from and to the points mentioned in the acts, without any reference to their original starting point or their ultimate destination. The expressions, "from Camden to South Amboy," used in the act of March 15, 1837, in the common understanding of our citizens, is equivalent to the phrase "across this State between the Delaware River and Raritan Bay" used in the act of February 3d, 1831, except that the latter phrase is more general and will include lines from other points on the Delaware to Raritan bay. And the committee perceive no reason why a different meaning should be given to them in the construction of these acts.—These transit duties are reserved in lieu of all other taxes or imposts upon the companies, and there is nothing in the language imposing them which looks beyond the line of the State, nor do the committee perceive any thing in the circumstances of the case to lead to such an extension.

The difference between the Treasurer and the officers of the New-Jersey Rail Road and Transportation Company has arisen upon the eighteenth section of their charter, which is as follows: "That from and after the completion of the rail road and *after the expiration of five years*, the said corporation shall pay into the treasury of this State yearly and every year, a tax of one quarter of one per cent, upon their capital stock paid in; and after the expiration of ten years, a tax of one half of one per cent upon the true amount of the capital stock of said company, and that no other or further tax or imposition shall be levied or imposed upon the said company: Provided, nevertheless, that in addition to the above, if at any time hereafter any rail road shall intersect or be attached to the rail road hereby established, so as to make a continued line of rail roads, carrying passengers across the state of New-Jersey, between the states of New-York and Pennsylvania, respectively, then it shall be the duty of the treasurer of the company hereby chartered, under oath or affirmation, to make quarterly returns of the number of passengers, and the number of tons of goods, wares and merchandise, *transported over the whole line of the road hereby chartered*, to the treasurer of the State for the time being, and thereupon to pay the said Treasurer of this State, at the rate of eight cents for each and every passenger, and the sum of twelve cents for each and every ton of goods, wares and merchandise so transported thereon in manner aforesaid." The road chartered by that act was to extend from a convenient point in the city of New-Brunswick to be determined upon by the company with the consent of the corporation of the city, to a point not less than fifty feet from high water mark on the Hudson River opposite New-York. The point selected by the company, with the consent of the corporation of New-Brunswick, for the commencement of their road, is at the extreme southern boundary of the chartered limits of said city, between two or three miles from the depot at which their passengers travelling to and from that city, are received and deposited. As a rail road has since been constructed from this southern termination of the road to the Trenton Delaware bridge on which passengers are carried across the State, the proviso of the section above quoted has become operative, and its true extent and meaning form one of the points of difference. The committee are clearly of opinion, that passengers and merchandise carried only from or to the depot at New-Brunswick, and not "over the *whole* line of the road" are not liable to pay a transit duty. The act manifestly contemplates the imposition of this additional charge, only on such passengers and freight as

shall be furnished to this road by an extension of the same mode of communication.

The other question arising on this section relates to the period of time at which the terms of five and ten years mentioned in it, should commence running. It is to be regretted that language so ambiguous should have been employed ; but on referring to the language of other provisions of the same nature in other charters granted at about the same period, the committee have determined to recommend that both terms should be regarded as commencing at the same period, to wit, *the completion of the road*. In this as in the former case, the Committee are disposed to resolve doubts in favor of works of internal improvement, and to aid in rendering them profitable to the stockholders as well as beneficial to the public. The committee recommend the adoption of the following resolutions :

RESOLVED, (*the House of Assembly concurring*.) That the Treasurer of this State be directed to require from the Delaware and Raritan Canal and Camden and Amboy Rail Road and Transportation Companies the payment of a transit duty of ten cents for every passenger and fifteen cents for every ton of goods, wares or merchandise heretofore transported and hereafter to be transported on any rail road or rail roads belonging to said companies, from any point or place on the Delaware River to South Amboy, from Bordentown, the Trenton Delaware Bridge or the city of Trenton to New-Brunswick, or from South Amboy to any point or place on the Delaware River, or from New-Brunswick to Trenton city, the Delaware Bridge or Bordentown ; and that upon the payment thereof, the Treasurer be authorized and instructed to compute the yearly amount of all such transit duties as part of the sum of thirty thousand dollars mentioned in the third section of the supplement to the act relative to the said companies, passed March 2d, 1852.

RESOLVED, (*the House of Assembly concurring*) That the Treasurer of this state be authorized and directed to receive from the New-Jersey Rail Road and Transportation Company, the sum of eight cents for every passenger, and the sum of twelve cents for every ton of goods, wares or merchandize, transported or to be transported on the said company's rail road, from the southern termination thereof in the city of New-Brunswick to Jersey City, or from Jersey City to the said southern termination, in full satisfaction of all claims of the state against said company, under and by virtue of the act incorporating the same, until the expiration of five years from the completion of said road.

Which Report was read and agreed to.

The Committee on Corporations, to whom had been referred the bill from the House of Assembly, entitled

"An act to incorporate the Monmouth single-rail Rail Road and Transportation Company,"

Reported said bill, without amendment.

Which was ordered to have a second reading.

The bill, entitled

"A further supplement to the act entitled, an act to abolish imprisonment for debt in certain cases,"

Was read a third time.

On motion to postpone said bill, the Yeas and Nays were as follows, viz.

#### YEAS.

☐ Messrs. Armstrong,  
Irick,

Board.—3.

#### NAYS.

Messrs. Price,  
Appleget,  
Oliphant,  
Taylor,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Ireland,  
McChesney.—13.

So it was determined in the negative.

On the question, Shall this bill pass?

It was determined in the affirmative as follows, viz.

**YEAS.**

Messrs. Price,  
 Appleget,  
 Oliphant,  
 Taylor,  
 Porter, (V. P.)  
 Corson,

Messrs. Snyder,  
 Miller,  
 Barber,  
 Haines,  
 Kennedy,  
 Ireland,  
 McChesney.—15.

**NAYS.**

Messrs. Armstrong,  
 Irick,

Messrs. Board.—3.

Ordered, That the Vice Presidents sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill,

And request their concurrence.

The bill from the House of Assembly entitled

“A supplement to the act entitled an act to establish Public Schools, passed the 1st day of March, 1838,”

Was taken up, and

Recommended to the Committee on Education.

The bill from the House of Assembly, entitled

An act to provide for voting by ballot in the township of Belleville, in the county of Essex,”—

Was read a second time, considered, and ordered to have a third reading.

The fifteenth rule being dispensed with, said bill was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Board,  
Ireland,  
McChesney.—14.

Ordered, That the Vice-President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,

Without amendment.

Mr. McChesney from the Committee on Education to whom had been referred

The bill from the House of Assembly, entitled

“A supplement to the act, entitled an act to establish Public Schools, passed the 1st day of March, 1838,”

Reported the same with an amendment.

Which was read, agreed to, and

Ordered to have a third reading.

The fifteenth rule being dispensed with, the engrossed bill entitled

“An act to authorize the sale of the real estate of Thomas Eddy, deceased,”

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Kennedy,  
Board,  
Ireland,  
McChesney.—16.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

And request their concurrence.

The bill from the House of Assembly, entitled  
 "An act to incorporate the New-Jersey Patent Ship Bread Company,"

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative as follows:

#### YEAS.

Messrs. Price,  
 Appleget,  
 Oliphant,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,

Messrs. Snyder,  
 Barber,  
 Kennedy.  
 Board,  
 Ireland,  
 McChesney.—13.

#### NAYS.

Messrs. Armstrong,

Haines,  
 Miller—3.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill,

Without amendment.

A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly had passed a Joint Resolution relative to authorizing the Treasurer of this State to borrow money.

To which Joint Resolution the concurrence of Council is requested.

The House of Assembly had passed the bills from Council, entitled

“A supplement to the act, entitled, an act to incorporate the City of Trenton,”

“An act to enable Samuel Fowler, administrator de bonis non of Elias Ogden, late of the county of Sussex, deceased, to fulfil certain contracts for the sale of Real Estate,” and

“An act to erect a part of the township of Nottingham, in the county of Mercer, into a Borough to be called the Borough of South Trenton,”

Severally, without amendment—and that

The House of Assembly had adopted the accompanying Resolution, and request the concurrence of Council to the same.

The Joint Resolution from the House of Assembly authorizing the Treasurer of the State to borrow money,

Was read a first and second time, and

Ordered to have a third reading.

The following concurrent Resolution from the House of Assembly, viz :

*Resolved*, (Council concurring) That the Treasurer of this State be authorized to contract with the President and Directors of the Trenton Water Works, for the use of the water, and to lay down pipes to the Company's work, for the purpose of supplying the State House, provided, the expenses shall not exceed seventy dollars ; and that he be authorized to pay for the same out of any moneys in the Treasury not otherwise appropriated.

Was read, and agreed to.

The bill from the House of Assembly, entitled

“A further supplement to the act, entitled an act to establish and confirm the charter rights and privileges of the Borough of Elizabeth, passed the 28th day of November, 1789,”

Was read a second time, considered, and ordered to have a third reading.

The fifteenth rule being dispensed with said bill

Was read a third time.

On the question, Shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present, viz :



## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—15.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill from the House of Assembly, entitled

"A supplement to the act, entitled an act authorizing the enclosing of a certain tract of land situate in the township of Caldwell, in the county of Essex, called the Hatfield Swamp, passed the 28th day of January, 1829,"

Was read a second time, and considered.

Ordered, That said bill have a third reading.

The bill from the House of Assembly, entitled

"A supplement to an act entitled an act to incorporate the Lodi Manufacturing Company, for purposes of Agriculture," passed Feb. 6, 1840,

Was taken up, and postponed indefinitely by the following vote, viz :

## YEAS.

Messrs. Price,  
Oliphant,  
Taylor,  
Corson,

Messrs. Haines,  
Board,  
Ireland,  
McChesney.—8.

## NAYS.

Messrs. Armstrong,  
Porter, (V. P.)  
Snyder,

Messrs. Appleget,  
Miller,  
Barber.—6.

Ordered, That the Secretary inform the House of Assembly thereof.

The fifteenth rule was suspended, and

The bill from the House of Assembly, entitled

"A supplement to the act, entitled an act authorizing the enclosing of a certain tract of land situate in the township of Caldwell, county of Essex, called the Hatfield Swamp," passed the 28th day of February, 1829,—

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz.

#### YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—14.

Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

Mr. McChesney offered the following Resolution :

*Resolved*, (The Assembly concurring,) That the State Treasurer be and he is hereby directed to pay no further money or moneys to Professor Henry D. Rodgers for Geological services, until he makes his final Report to the next Legislature.

Which was read and unanimously agreed to.

Ordered, That the Secretary inform the House of Assembly thereof, and request their concurrence.

The bill from the House of Assembly, entitled

"An act to raise by tax the sum of twenty thousand dollars,"

Was read a second time, considered by sections, and ordered to have a third reading.

The fifteenth rule being suspended, said bill was read a third time.

On the question, Shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present, viz :

## YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Snyder,  
Miller,  
Barber,  
Board,  
Ireland,  
McChesney.—14.

Ordered, That the Vice-President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill from the House of Assembly, entitled

“An act to incorporate the Monmouth single-rail Rail Road and Transportation Company,”

Was read a third time, and postponed until the next sitting of the Legislature by the following vote, viz.

## YEAS.

Messrs. Armstrong,  
Appleget,  
Irick,  
Porter, (V. P.)

Messrs. Miller,  
Barber,  
Board,  
Ireland.—8.

## NAYS.

Messrs. Price,  
Oliphant,  
Taylor,

Messrs. Snyder,  
Corson,  
Haues,  
McChesney.—7.

The bill from the House of Assembly entitled  
 "A supplement to the act entitled an act to establish Public  
 Schools, passed the 1st day of March, 1838,"

Was read a third time as amended.

On the question, Shall this bill pass?

It was determined in the affirmative by the votes of all the  
 members present, viz.

### YEAS.

Messrs. Price,  
 Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,

Messrs. Snyder,  
 Miller,  
 Barber,  
 Haines,  
 Board,  
 Ireland,  
 McChesney.—14.

Ordered, That the V. President sign said bill, and that the  
 Secretary inform the House of Assembly that Council have  
 passed the same,

With an amendment.

To which amendment the assent of the House of Assembly  
 is requested.

Mr. Haines, with leave, presented a bill entitled

"A supplement to an act, entitled an act fixing the time at  
 which public laws shall go into operation, passed the 9th No-  
 vember, 1836,"

Which was read, and ordered to have a second reading.

Council adjourned to half-past seven o'clock this evening.

*At half-past seven o'clock Council met.*

The Joint Resolution from the House of Assembly authorizing the Treasurer to borrow money,

Was read a third time.

On the question, Shall this Joint Resolution pass?

It was determined in the affirmative, by the votes of all the members present.

### YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,

Messrs. Snyder,  
Miller,  
Barber,  
Board,  
Ireland,  
McChesney.—12.

Ordered, That the President sign said Joint Resolution, and that the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The Joint Resolution from the House of Assembly, authorizing the Inspectors of the State Penitentiary to draw for Six Thousand Dollars on the State Treasurer,

Was read a third time.

On the question, Shall this Joint Resolution pass?

It was determined in the affirmative by the votes of all the members present, viz.

### YEAS.

Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,

Messrs. Snyder,  
Miller,  
Barber,  
Board,  
Ireland,  
McChesney.—12.

**Ordered, That the President sign said Joint Resolution, and that the Secretary inform the House of Assembly that Council have passed the same,  
Without amendment.**

**The Joint Resolution from the House of Assembly authorizing the Keeper of the State Arsenal to make repairs not exceeding one hundred dollars,**

**Was read a second and third time.**

**On the question shall this Joint Resolution pass ?**

**It was determined in the affirmative, by the votes of all the members present, viz.**

#### **YEAS.**

**Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,**

**Messrs. Porter, (V. P.)  
Snyder,  
Miller,  
Barber,  
Board,  
Ireland,  
McChesney.—13.**

**Ordered, That the President sign said Joint Resolution, and that the Secretary inform the House of Assembly that Council passed the same,  
Without amendment.**

**The Joint Resolution from the House of Assembly relative to printing Laws, Journals, &c.**

**Was read a second and third time.**

**On the question, Shall this Joint Resolution pass ?**

**It was determined in the affirmative by the votes of all the members present, viz:**

#### **YEAS.**

**Messrs. Price,  
Armstrong,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)**

**Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—14.**

**Ordered, That the President sign said Joint Resolution, and that the Secretary inform the House of Assembly that Council have passed the same,**

**Without amendment.**

A message from the House of Assembly, by Mr. Coppuck, their Clerk, informed Council that the House of Assembly had passed the bills from Council, entitled

"A further supplement to the act, entitled an act for the punishment of crimes,"

"An act for grading the streets of Hoboken, in the county of Hudson,"

"A further supplement to the act entitled, an act to abolish imprisonment for debt in certain cases," and

"A further supplement to the act entitled, an act concerning Roads,"

Severally, without amendment—and that

The House of Assembly have passed the bill from Council entitled,

"An act to incorporate the Somerville Water Power Company,"

With amendments.

To which amendments the assent of the House of Assembly is requested.

The House of Assembly have agreed to the amendments made in Council to the following bills, viz.

"An act to authorize Rebecca, wife of Alfred Aten, to sell real estate,"

"A further supplement to the act entitled 'an act concerning landlords and tenants,'" and

"An act in relation to certain streets laid out through the State Lands at Paterson, lately sold by Commissioners,"

And have ordered said bills to be re-engrossed.

The House of Assembly had disagreed to the amendments made by Council to the bill from the House of Assembly entitled

"A supplement to the act, entitled an act to establish Public Schools, passed the 1st day of March, 1838,"—

And have returned the same.

The engrossed bill entitled

"An act to incorporate the Somerville Water Power Company,"

Was taken up, together with the amendments made in the House of Assembly—

Which were read and agreed to, and said bill was ordered to be re-engrossed.

**The bill entitled**

"A supplement to an act, entitled an act fixing the time in which Public Laws shall go into operation, passed the 9th November, 1836,"

Was read a second time, considered, and ordered to be engrossed, and have a third reading.

**The bill from the House of Assembly, entitled**

"A supplement to the act, entitled an act to incorporate the Newark Lime and Cement Manufacturing Company," passed February 20th, 1840,"

Was read a second time, considered, and Ordered to have a third reading.

**The bill from the House of Assembly, entitled**

"An act to divorce Elizabeth Heldebrant from her husband, Charles Heldebrant,"

Was read a second time, considered, and ordered to have a third reading.

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the following bill, viz:

"An act for the sale of a part of the real estate late of Wm. Williams, dec'd, situate in New-Barbadoes, in the county of Bergen, and for the settlement of certain controversies relative to the same."

To which bill the concurrence of Council is requested.

The House of Assembly insist on their disagreement, and have appointed Messrs. Richmond, Combs and Wilson a committee of conference on the part of the House, to the amendments made in Council to the bill entitled

"A supplement to the act, entitled an act to establish Public Schools, passed the 1st day of March, 1838,"

And request a corresponding committee on the part of Council.

Messrs. McChesney and Armstrong were appointed a committee on the part of Council in relation to the amendments to

**The bill entitled,**

"A Supplement to an act, entitled an act to establish Public Schools, passed March 1st, 1838."



The bill from the House of Assembly, entitled

"An act for the sale of a part of the real estate of William Williams, deceased, situate in New Barbadoes, in the county of Bergen, and for the settlement of certain controversies relative to the same,"

Was read, and

Referred to the Committee on the Judiciary.

The engrossed bill, entitled

"A supplement to an act, entitled an act fixing the time in which Public Laws shall go into operation, passed the 9th of November, 1836,"

Was read a third time and compared.

On the question, Shall this bill pass?

It was determined in the affirmative as follows:

#### YEAS.

Messrs. Price,  
Appleget,  
Oliphant,  
Porter, (V. P.)

Messrs. Snyder,  
Miller,  
Haines,  
Ireland,  
McChesney.—9.

#### NAYS.

Messrs. Irick,

Board,—2.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

And request their concurrence.

The fifteenth rule being dispensed with,

The bill from the House of Assembly, entitled

"An act to divorce Elizabeth Heldebrant from her husband Charles Heldebrant,"

Was read a third time, as amended.

On the question, Shall this bill pass ?

It was determined in the affirmative as follows, viz.

**YEAS.**

Messrs. Price,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Snyder,  
Barber,  
Haines,  
Board,  
Ireland.—10.

**NAYS.**

Messrs. Appleget,

Miller—2.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly that Council have passed the same,

With an amendment.

To which amendment the assent of the House of Assembly is requested.

The bill entitled

“A further supplement to an act entitled, ‘an act securing to mechanics and others, payment for their labor and materials in erecting houses, and other buildings, within the limits therein mentioned, passed the 3rd day of March, 1835, and a further supplement passed March 10th, 1837,”

Was taken up, and postponed to the next session of the Legislature.

On motion of Mr. Miller, leave was granted William Young to withdraw his papers.

Mr. Miller, from the Committee on Corporations, to whom had been referred No. 5 of the unfinished business, being a bill entitled

“An act to authorize the business of Banking in the State of New-Jersey,”

Reported that it is inexpedient to act upon it this session.

Mr. McChesney, from the Joint Committee of Conference in relation to the amendments made in Council to the bill entitled—"A supplement to the act, entitled an act to establish Public Schools, passed the 1st day of March, 1838,"

Reported, that Council adhere to their amendments to said bill, to which an additional amendment was added by the committee.

Which was agreed to in Council, and said bill

Ordered to have a third reading.

A message was received from the House of Assembly, by Mr. Coppuck their clerk, informing Council that the House of Assembly had agreed to the concurrent resolution from Council relative to the services of H. D. Rodgers, with the following amendment, viz. :

"*Provided*, That nothing herein contained shall prevent the Secretary of State from subscribing for 2000 copies of said Report, as directed by a resolution of the Legislature of this State, passed February 27th, 1838."

The above amendment from the House of Assembly to the concurrent resolution relative to H. D. Rodgers,

Was taken up, and disagreed to.

Ordered, That the Secretary inform the House Assembly that Council have disagreed to said amendment.

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the bill from Council, entitled

"A supplement to the act fixing the time in which Public Laws shall go into operation, passed Nov. 9th, 1836,"

Without amendment.

That the House of Assembly have agreed to the amendments made by Council to the bill entitled

"An act to divorce Elizabeth Heldebrant from her husband Charles Heldebrant,"

And have caused said bill to be re-engrossed.

The House of Assembly have passed a Joint Resolution in relation to payments into the Treasury of this State in specie or paper equivalent thereto.

To which Joint Resolution the concurrence of Council is requested.

The re-engrossed bill, entitled

"An act to incorporate the Somerville Water Power Company,"—as amended in the House of Assembly,

Was read a third time.

On the question, Shall this bill pass?

It was determined in the affirmative as follows, viz:

### YEAS.

Messrs. Price,  
Appleget,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Snyder,  
Miller,  
Barber,  
Board,  
Ireland,  
McChesney.—12.

### NAY.

Mr. Haines.—1.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have agreed to the amendments made to it in the House of Assembly, and have ordered said bill to be re-engrossed.

Mr. Armstrong, from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly, entitled,

“An act for the sale of a part of the real estate of William Williams, deceased, situate in New-Barbadoes, in the county of Bergen, and for the settlement of certain controversies relative to the same,”

Reported the same, without amendment.

Ordered, that said bill have a second reading.

On motion to postpone the same to the next sitting of the Legislature, the Yeas and Nays being required to be entered on the Journal, were as follows, viz:

### YEAS.

Messrs. Appleget,  
Taylor,  
Porter, (V. P.)

Messrs. Snyder,  
Miller,  
Barber,  
Ireland.—7,

## NAYS.

Messrs. Price,  
Oliphant,  
Irick,

Messrs. Haines,  
Board,  
McChesney.—6.

So it was determined in the affirmative, and leave given to withdraw the papers relating thereto.

The Joint Resolution from the House of Assembly requiring the Treasurer to receive specie or its equivalent, Was read, and ordered to have a second reading.

• Mr. Armstrong from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly, entitled "An act to extend the term of office of the Surveyors of the Highways of the county of Monmouth,"

Reported the same without amendment.

• Mr. Miller, from the Committee on Corporations, to whom had been referred the application of the Beneficial Society of Bridgeton,

Reported adverse to the same,

Which report was agreed to, and leave given the applicants to withdraw their papers.

Council adjourned to eight o'clock to-morrow morning.

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SATURDAY, February 29, 1840.

*At eight o'clock Council met.*

A message from the House of Assembly, by Mr. Coppuck their clerk, informed Council that the House of Assembly had passed the bill from Council, entitled

**“ An act to authorize the sale of the real estate of Thomas Eddy, deceased,”**

**Without amendment.**

**The House of Assembly have disagreed to the bill from Council entitled,**

**“ A further supplement to the act entitled an act for suppressing Vice and Immorality, passed the 16th day of March 1798,”**

**And returned the same.**

**The House of Assembly had agreed to the amendments made by Council to the bill entitled,**

**“ A supplement to the act, entitled an act to establish Public Schools, passed the 1st day of March, 1838,”**

**And have ordered said bill to be re-engrossed.**

**The House of Assembly had passed the following bill, viz :**

**“ An act to defray incidental expenses,”**

**To which the concurrence of Council is requested.**

**The House of Assembly had disagreed to the concurrent Resolutions relative to the Transit duties on the Camden and Amboy Rail Road and Transportation Companies, and the New-Jersey Rail Road and Transportation Companies,**

**And returned the same.**

**The bill from the House of Assembly, entitled**

**“ An act to defray incidental expenses,”**

**Was read, and**

**Ordered, To have a second reading.**

**The fifteenth rule was suspended—and said bill**

**Was read a second time, amended, and ordered to have a third reading.**

**The fifteenth rule was again suspended, and said bill was read a third time as amended.**

**On the question, Shall this bill pass ?**

**It was determined in the affirmative, by the votes of all the members present, viz.**

#### **YEAS.**

**Messrs. Price,  
Armstrong,  
Oliphant,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,**

**Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—14.**

**Ordered, That the Vice President sign said bill, and that the Secretary inform the House of Assembly that Council have passed said bill,**

**With an amendment.**

**To which amendment the assent of the House of Assembly is requested.**

**The bill entitled**

**"A further supplement to the act entitled an act concerning Roads,"**

**Was taken up, and**

**Postponed to the next sitting of the Legislature.**

**The vote of last evening by which**

**The bill from the House of Assembly, entitled**

**"An act for the sale of a part of the real estate of William Williams, deceased, situate in New-Barbadoes, in the county of Bergen, and for the settlement of certain controversies relative to the same,"**

**Was postponed till the next Legislature—**

**Was re-considered, and said bill was read a second time.**

**Ordered, That said bill have a third reading.**

**The fifteenth was suspended and said bill was read a third time.**

**On the question, Shall this bill pass ?**

**It was determined in the affirmative by the votes of all the members present, viz.**

#### **YEAS.**

Messrs. Price,  
Amstrong,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,

Messrs. Snyder,  
Miller,  
Barber,  
Haines,  
Board,  
Ireland,  
McChesney.—13.

**Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill,**

**Without amendment.**

The bill from the House of Assembly, entitled

"A supplement to the act, entitled an act to incorporate the Newark Lime and Cement Manufacturing Company," passed February 20th, 1840,"

Was read a third time.

On the question, Shall this bill pass ?

It was determined in the negative by the following vote, viz.

#### YEAS.

Messrs. Armstrong,  
Irick,  
Porter, (V. P.)

Messrs. Miller,  
Barber,  
Haines.—6.

#### NAYS.

Messrs. Price,  
Oliphant,  
Taylor,

Messrs. Snyder,  
Board,  
Ireland,  
McChesney.—7.

Ordered, That the Secretary inform the House of Assembly that Council have disagreed to said bill, and return the same.

On motion of Mr. Price, the following resolution was unanimously adopted, viz.

*Resolved*, That the thanks of this Council are hereby tendered to the Hon. Joseph Porter for the impartial, able, attentive and satisfactory manner in which he has performed the duties of Vice President of Council during the session.

To which the Vice-President replied :

#### GENTLEMEN :

When at the commencement of the session of the Legislature I received the unexpected honor of being selected to preside over your deliberations, I entered upon the station with great diffidence and distrust of my abilities to perform the duties incumbent on the chair. I felt that I should have frequent occasion



for your indulgence, and could promise nothing more than a faithful discharge of those duties to the best of my ability.

By the unanimous vote given on the very flattering resolution you have just passed, and for which I feel I should be wanting in sensibility if I did not tender to you the acknowledgement of my most hearty thanks, you give assurance that that pledge has been redeemed. I take great pleasure, gentlemen, in tendering to you my acknowledgment for the kind manner in which you have been pleased to overlook my errors, and have aided me in the discharge of my duties as presiding officer of this honorable body. I hope, gentlemen, on our return to our homes, we may find our families and friends in the enjoyment of health and happiness, and that the remainder of our days may be passed under the protection of laws wisely enacted and impartially executed.

A message from the House of Assembly, by Mr. Coppuck their Clerk, informed Council that the House of Assembly had agreed to the Concurrent Resolution from Council in reference to the Report of the Commissioners upon Lunatics and Idiots, with the following amendment, viz.

To strike out all in the second resolution after the word 'distributed,' and insert the following, "among the members of the two branches of this Legislature at the expense of the State in equal proportions, to be by them distributed among the people"—

Which amendment to said Resolution  
Was read and agreed to.

Mr. Snyder offered the following Resolution, viz :

*Resolved*, That the thanks of Council are due to Robert E. Hornor, Esq. the Secretary of Council, for the prompt and efficient discharge of his arduous duties during the session.

Which was read, and unanimously agreed to.

To which the Secretary made a brief acknowledgement in substance as follows, viz.

**GENTLEMEN—**

Twice have I occupied this office previous to the present year—last fall you extended to me the flattering compliment of a re-election by a unanimous vote—you have now given this additional unexpected, as it is unusual, mark of your approbation, for what, as you are pleased to term, “the prompt and efficient discharge” of my duties.

Having always made it my earnest endeavor not only to perform the duties of my office with satisfaction to all the members of Council, but to pursue such a course to you individually as to hope for a claim of your personal regard in after life; I feel the more deeply impressed with this cordial and unanimous expression of your esteem, for which you will please individually to accept this feeble return of my sincere thanks.

A message from the House of Assembly, by Mr. Coppuck, their clerk, informed Council that the House of Assembly had agreed to the amendments made by Council to the bill entitled  
 “An act to defray Incidental Expenses,”

And have caused the same to be re-engrossed.

The House of Assembly have passed a Joint Resolution in relation to the difference of opinion between the Treasurer of this State and the officers of the Camden and Amboy Rail Road & Transportation Company.

To which Joint Resolution the concurrence of Council is requested.

The House of Assembly had adopted the accompanying concurrent Resolution.

To which the concurrence of Council is requested.

The Joint Resolution from the House of Assembly authorizing the employment of counsel in reference to the difference of opinion between the State Treasurer and the Rail Road Companies in relation to the Transit duties,

Was read, and ordered to have a second reading.

The fifteenth rule being suspended,

Said Joint Resolution,

Was read a second time, amended, and ordered to have a third reading.

Said Joint Resolution,

Was read a third time.

On the question, Shall this Joint Resolution pass?

It was determined in the affirmative by the votes of all the members present, viz.

### YEAS.

Messrs. Price,  
Armstrong,  
Oliphant,  
Taylor,  
Irick,

Messrs. Porter, (V. P.)  
Snyder,  
Miller,  
Barber,  
McChesney.—10.

Ordered, That the Vice President sign said Joint Resolution and that the Secretary inform the House of Assembly that Council have passed the same,

With an amendment.

To which amendment the assent of the House of Assembly is requested.

The following Concurrent Resolution from the House of Assembly, viz.

*Resolved*, (Council concurring,) That it shall be the duty of the Secretary of State, in causing the public laws passed at the present and last sittings of the Legislature to be published in one or more of the newspapers in the city of Trenton, to enter into a specific contract with the editors thereof as to the price of publication—

Was read and disagreed to.

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had adopted the accompanying Concurrent Resolution in relation to the distribution of Elmer's Digest to certain new Townships and to the Clerk and Surrogate of the county of Hudson.

To which Resolution the concurrence of Council is requested.

The following Resolution from the House of Assembly, viz.

*Resolved*, (Council concurring,) That a copy of Elmer's Digest be furnished to the Clerk and Surrogate of the county of Hudson, for the use of said county; and also a copy for the Board of Chosen Freeholders of said county, and also a copy for the use of the clerks of the townships of Washington and Lodi in the county of Bergen:

Was read and agreed to.

A message from the House of Assembly by Mr. Coppuck their clerk, informed Council that the House of Assembly had agreed to the amendments made by Council to the Joint Resolution relative to difference of opinion between the Treasurer and officers of the Camden and Amboy Rail Road and Transportation Company,

And have caused the same to be re-engrossed.

The House of Assembly, preceded by their Speaker, WILLIAM STITES, Esquire, came into the Council Chamber, and informed Council that the House of Assembly had adjourned without day, until constitutionally called together.

Whereupon, Council adjourned without day, until constitutionally called together.

*Attest.*

ROBERT E. HORNOR, *Secretary.*



**MINUTES**  
OF THE  
**PROCEEDINGS**  
OF THE  
**JOINT-MEETING**  
OF THE  
**COUNCIL AND GENERAL ASSEMBLY**  
OF THE  
**STATE OF NEW-JERSEY.** — *Legislature.*  
1839-40.

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**1840.**

1849 Dec 27  
Capt. of S. G. Dorr  
of New Brunswick, N.J.

## MINUTES OF JOINT MEETING.

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*In JOINT-MEETING, October 25, 1839.*

The Council and General Assembly met in the Assembly Room, and proceeded to the choice of a Chairman for the present session, when JOSEPH PORTER, Esq. was unanimously chosen, and accordingly took the Chair.

Robert E. Hornor, was unanimously appointed Secretary of the Joint Meeting.

The following Rules were adopted for the government of Joint Meeting :

“ 1. That the election of State Officers during the present session, be *viva voce*, unless when otherwise ordered.

2. That the Chairman attend carefully to the preservation of order and regularity in transacting the business of the Joint Meeting, and that he shall not engage in any debate, or propose his opinion on any question, without leave of the Joint Meeting.

3. That every member when he speaks shall stand up in his place, and address himself to the Chair.

4. That in all debates and proceedings the members observe the strictest decorum, and that if any one use indecent expressions, or utter any personal reflections, or otherwise offend herein, he be censured according to the nature and aggravation of the offence.

5. That no debate ensue or question be put on a motion unless it be seconded, when it shall be open to debate, and the same receive a determination by the question, unless it be laid aside by the Joint Meeting, or a motion be made to amend it, to postpone it, or for the previous question.

6. The previous question shall be in this form,—“ Shall the main question be now put ?” and, until decided, shall preclude all amendment and further debate on the main question.



7. If any motion contain more than one simple question, any member may have it divided into as many parts as there are distinct questions if seconded in his motion.

8. That no member speak more than twice on the same subject in the same debate, without leave of the Joint Meeting.

9. That all questions of order be determined by the Chairman, subject to an appeal to the Joint Meeting when demanded by four members.

10. That when two or more members rise to speak nearly at the same time, the Chairman shall decide who shall speak first.

11. When any question is stated, and by the Joint Meeting agreed to be put, no member shall be at liberty to withhold his vote without the leave of the Joint Meeting.

12. The names of the members voting, and for whom they have voted, shall be entered on the minutes, if moved for and seconded, and that the yeas and nays shall be entered upon the Journal on every question taken in the Joint Meeting, other than questions of appointment, when moved for and seconded by five members, except the vote be unanimous.

13. That the Joint Meeting may adjourn when the list of nominations is not gone through with.

14. That appointments or re-appointments may be made without resignations, or the commissions being expired, if the commissions of the persons in office shall expire the same sitting, or within two months thereafter, provided, that where a new appointment is made, the person so appointed shall not be considered as in commission until the expiration of the commission of the former person whose place it is to supply.

15. That in all questions the Chairman of the Joint Meeting be called upon to vote in his turn as one of Representatives in Council or Assembly, but that he have no casting vote as Chairman."



The following nominations were then made.

### GOVERNOR.

The names of William Pennington, Henry A. Ford, James S. Green, and Samuel R. Hamilton being on nomination,

The Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, and the votes were

## FOR WILLIAM PENNINGTON.

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,

Messrs. Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Worth. 42.

## FOR HENRY A. FORD.

Messrs. Price,  
 Lambert,  
 Snyder,  
 Haines,  
 Kennedy,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,  
 Forman,  
 Hiers,

Messrs. Oliphant,  
 Hurley,  
 Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Servis,  
 Greer,  
 Nyce,  
 Truex,  
 Moore,  
 Shoemaker,  
 Risley, 26.

Whereupon it appearing that William Pennington had received a majority of the votes of the members present, he was declared duly elected Governor of the State of New-Jersey for the ensuing year.

# CHIEF JUSTICE OF THE SUPREME COURT.

Joseph C. Hornblower and Elias B. D. Ogden, being on nomination for Chief Justice of the Supreme Court,

The Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

## FOR JOSEPH C. HORNBLOWER.

Messrs. Armstrong,  
 Appleget,  
 Irick,  
 Taylor,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,

Messrs. Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Crusier,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,  
 Brittin,  
 DeBow,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Hughes,  
 Worth, 42.

## FOR ELIAS B. D. OGDEN.

Messrs. Price,  
 Oliphant,  
 Lambert,  
 Snyder,  
 Haines,  
 Kennedy,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,  
 Forman,

Messrs. Hurley,  
 Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Servis,  
 Greer,  
 Nyce,  
 Truex,  
 Moore,  
 Shoemaker,  
 Risley,  
 Hiers, 26

Whereupon, it appearing that Joseph C. Hornblower had a majority of the votes of all the members present, he was declared duly appointed Chief Justice of the Supreme Court of the State of New-Jersey.

### LIBRARIAN.

The name of Charles C. Yard being on nomination for Librarian, it was moved that he be appointed.

Which was unanimously agreed to.

So Charles C. Yard was declared duly elected Librarian of the State of New-Jersey for the ensuing year.

### ATLANTIC COUNTY.

The name of Ezra B. Risley being on nomination for Justice of the Peace for the county of Atlantic, it was moved and seconded that the consideration thereof be postponed; and the yeas and nays being required, the Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz. :

#### *In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Newcomb,  
 Whitecar,

Messrs. Richmond,  
 Cory,  
 Sutphen,  
 Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 Weise,  
 Bonham,  
 Ryerson,  
 Rosco,  
 Worth,

*In the Negative.*

Messrs. Price,  
 Oliphant,  
 Lambert,  
 Snyder,  
 Haines,  
 Kennedy,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,  
 Forman,

Messrs. Hiers,  
 Hurley,  
 Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Servis,  
 Greer,  
 Nyce,  
 Truex,  
 Moore,  
 Shoemaker,  
 Risley, 26.

So it was determined in the affirmative.

**BERGEN COUNTY!**

The names of Henry B. Hagerman, John H. Zabriskie, David D. Van Bussum, and Isaac I. Haring, being on nomination for Judges; and John Bogert, Henry B. Hagerman, John H. Zabriskie, David D. Van Bussum and Isaac I. Haring, for Justices; and Rodman M. Price for Major of the 2d Batt. of 1st Reg. of Bergen Brigade—

It was moved and seconded, that the consideration thereof be postponed; and the yeas and nays being required, the Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Porter, (V. P.)  
 Corson,  
 Miller,

Messrs. Taylor,  
 Irick,  
 Cory,  
 Sutphen,  
 Wilson,

Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,  
Weise,  
Bonham,  
Whitecar,  
Clarke,

Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Hughes,  
Brittin,  
DeBow,  
Ryerson,  
Rosco,  
Worth,  
Newcomb. 42.

*In the Negative.*

Messrs. Price,  
Oliphant,  
Lambert,  
Snyder,  
Haines,  
Kennedy,  
Ireland,  
Ackerman,  
Doremus,  
Terhune,  
Combs,  
Craig,  
Forman,

Messrs. Hiers,  
Hurley,  
Richman,  
Summerill,  
Exton,  
Hiler,  
Servis,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
Risley. 26.

So it was determined in the affirmative.

**BURLINGTON COUNTY.**

**PROSECUTOR OF THE PLEAS.**

**John C. Ten Eyck.**

**CUMBERLAND COUNTY.****PROSECUTOR OF THE PLEAS.**

The names of Elias P. Seeley and Isaac W. Crane being on nomination for Prosecutor of the Pleas for the county of Cumberland, the Secretary, by the direction of the Chairman, proceeded to call the Joint Meeting, when the result was as follows, viz.

**FOR ELIAS P. SEELEY.**

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,

Messrs. Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Resco,  
 Worth.

42.

**FOR ISAAC W. CRANE.**

Messrs. Price,  
 Oliphant,  
 Lambert,  
 Snyder,

Messrs. Hiers,  
 Hurley,  
 Richman,  
 Summerill,

Haines,  
Kennedy,  
Ireland,  
Ackerman,  
Doremus,  
Terhune,  
Combs,  
Craig,  
Forman,

Exton,  
Hiler,  
Servis,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
Risley, 26.

So it was determined in the affirmative.

### JUSTICE.

Ephraim H. Whitecar.

### COMMISSIONERS.

Theophilus E. Harris, (Fairfield,)  
Ephraim B. Lawrence, (do.)  
Lewis Reed, (Millville.)

### ESSEX COUNTY.

#### CLERK OF THE COUNTY OF ESSEX.

The names of John P. Jackson and Elias Van Arsdale, Jr., .  
being on nomination for Clerk of the county of Essex,  
The Secretary, by direction of the Chairman, proceeded to  
call the Joint Meeting, when the votes were as follows, viz.

#### FOR JOHN P. JACKSON.

Messrs. Armstrong,  
Appalet,  
Taylor,  
Irick,  
Porter, (V. P.)

Messrs. Corson,  
Miller,  
Barber,  
Board,  
McChesney,



Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,  
Weise,  
Bonham,  
Whitecar,  
Clarke,  
Cory,  
Sutphen,  
Wilson,

Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Hughes,  
Brittin,  
DeBow,  
Ryerson,  
Rosco,  
Worth,  
Newcomb. 42.

FOR ELIAS VAN ARSDALE, JR.

Messrs. Price,  
Oliphant,  
Lambert,  
Snyder,  
Haines,  
Kennedy,  
Ireland,  
Ackerman,  
Doremus,  
Terhune,  
Combs,  
Craig,  
Forman,

Messrs. Hiers,  
Hurley,  
Richman,  
Summerill,  
Exton,  
Hiler,  
Servis,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
Risley, 26.

Whereupon it appearing that John P. Jackson had received a majority of the whole number of votes given, he was declared duly appointed Clerk of the county of Essex.

JUSTICE.

Cyrus Baldwin, of Orange.

*Alderman of the Borough of Elizabeth.*

Jonathan M. Ropes.

**GLOUCESTER COUNTY.****JUDGE.****John Clement.****JUSTICES OF THE PEACE.****John Clement,                      Gilbert Kellum.****COMMISSIONER, &c.****Paul Sears, Washington.****HUNTERDON COUNTY.****JUSTICES.**

<b>John Thompson,</b>	<b>Samuel Cooley,</b>
<b>Peter R. Fisher,</b>	<b>Peter Leonard, of Alexandria.</b>

**MONMOUTH COUNTY.**

The names of Jehu Patterson, Andrew Simpson, Ruliff R. Schenck, for Judges ; and Thomas E. Antrim, John S. Forman, Halsted Wainwright and Thomas C. Vanderhoof for Commissioner of Middletown, being on nomination—

It was moved and seconded that the consideration thereof be postponed ; and the yeas and nays being required, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,	Messrs. Taylor,	
Appleget,	Irick,	
Porter, (V. P.)	Borton,	
Corson,	Brown,	
Miller,	Emley,	
Barber,	Mathis,	
Board,	Franklin,	
McChesney,	Reeves,	
Gardner,	Snowden,	
Robinson,	Hughes,	
Sanderson,	Brittin,	
Spear,	DeBow,	
Stites, (Sp.)	Weise,	
Cruser,	Bonham,	
Dunn,	Newcomb,	
Golding,	Whitecar,	
Richmond,	Clarke,	
Cory,	Ryerson,	
Sutphen,	Rosco,	
Wilson,	Worth.	41.
Black,		

*In the Negative.*

Messrs. Price,	Messrs. Hiers,	
Oliphant,	Bower,	
Lambert,	Hurley,	
Snyder,	Richman,	
Haines,	Summerill,	
Kennedy,	Exton,	
Ireland,	Hiler,	
Ackerman,	Servis,	
Doremus,	Greer,	
Terhune,	Nyce,	
Combs,	Truex,	
Craig,	Shoemaker,	
Forman,	Risley,	26.

So it was determined in the affirmative.

**MORRIS COUNTY.****JUDGE.****Edward Conduct.****JUSTICES.**

**James F. Hopping,**                      **William O. Ford,**  
    **Edward Conduct.**

**COMMISSIONERS, &c.**

**Samuel Hilts, Roxbury.**      **John Debow, Pequannock.**

**SALEM COUNTY.****CLERK OF THE COUNTY.**

The names of **Thomas S. Smith** and **Henry Freas** being on nomination for Clerk of the county of Salem,

The Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, and the votes were as follows, viz.

**FOR THOMAS S. SMITH.**

**Messrs. Armstrong,**  
                  **Appleget,**  
                  **Taylor,**  
                  **Irick,**  
                  **Porter, (V. P.)**  
                  **Corson,**  
                  **Miller,**  
                  **Barber,**

**Messrs. Cruser,**  
                  **Dunn,**  
                  **Golding,**  
                  **Richmond,**  
                  **Cory,**  
                  **Sutphen,**  
                  **Wilson,**  
                  **Black,**

Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Hughes,  
Brittin,  
DeBow,  
Weise,  
Bonham,  
Newcomb,

Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Whitecar,  
Clarke,  
Ryerson,  
Rosco,  
Worth, 42.

FOR HENRY FREAS.

Messrs. Price,  
Oliphant,  
Lambert,  
Snyder,  
Haines,  
Kennedy,  
Ireland,  
Ackerman,  
Doremus,  
Terhone,  
Combs,  
Moore,  
Shoemaker,

Messrs. Craig,  
Forman,  
Hiers,  
Hurley,  
Richman,  
Summerill,  
Exton,  
Hiler,  
Servis,  
Greer,  
Nyce,  
Truex,  
Risley, 26.

Whereupon it appearing that Thomas S. Smith had received a majority of the votes given, he was declared duly appointed Clerk for the county of Salem.

JUDGES.

Samuel Lynch.

John Dickinson.

JUSTICE.

Merriam Smith.

## COMMISSIONER, &amp;c.

Isaac Smart, (Upper A. Creek.)

The names of Joseph L. Risley and Henry Guest being on nomination for Judges ; and Joseph L. Risley, Thomas Whitaker and Peter Jaquett for Justices of the county of Salem—

It was moved and seconded that the consideration thereof be postponed ; and the yeas and nays being demanded thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter. (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Crusser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,

Messrs. Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Worth, 42.

*In the Negative.*

Messrs. Price,  
 Oliphant,  
 Lambert,

Messrs. Ireland,  
 Ackerman,  
 Doremus,

Snyder,  
Haines,  
Kennedy,  
Forman,  
Hiers,  
Hurley,  
Richman,  
Summerill,  
Exton,  
Hiler,

Terhune,  
Combs,  
Craig,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
Risley,  
Servis, 26.

So it was determined in the affirmative.

# SOMERSET COUNTY.

FOR PROSECUTOR OF THE PLEAS.

George H. Brown.

JUDGE.

James Taylor.

# WARREN COUNTY.

PROSECUTOR OF THE PLEAS.

William C. Morris.

## SURROGATE.

The names of Aaron Robertson, William Ditrick and George H. Ribble being on nomination for the office of Surrogate of the county of Warren, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz.

## FOR AARON ROBERTSON.

Messrs. Appleget,  
Taylor,  
Irick,  
Armstrong,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,  
Cory,  
Sutphen,  
Wilson,  
Black,  
Borton,  
Brown,

Messrs. Porter, (V. P.)  
Corson,  
Miller,  
Barber,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Hughes,  
Brittin,  
DeBow,  
Weise,  
Bonham,  
Newcomb,  
Whitecar,  
Clarke,  
Ryerson,  
Rosco,  
Werth, 42.

## FOR GEORGE H. RIBBLE.]

Messrs. Price,  
Oliphant,  
Lambert,  
Snyder,  
Haines,  
Kennedy,  
Ireland,  
Ackerman,  
Doremus,  
Terhune,  
Combs,  
Moore,  
Shoemaker,

Messrs. Craig,  
Forman,  
Hiers,  
Hurley,  
Richman,  
Summerill,  
Exton,  
Hiler,  
Servis,  
Greer,  
Nyce,  
Truex,  
Risley. 26.



Whereupon it appearing that Aaron Robertson had received a majority of the whole number of votes given, he was declared duly appointed Surrogate of the county of Warren.

*Ordered,* That the Vice President of Council and Speaker of the Assembly, be a committee to inform the Governor and Chief Justice elect of their respective appointments and request them to accept the same, and enter upon the duties of their respective offices.

The Joint Meeting rose.

**In JOINT-MEETING, November 7, 1839**

**Hon. JOSEPH PORTER, *Chairman.***

**ROBERT E. HORNOR, *Secretary.***

Cornelius G. Garretson requested leave in writing to resign his commission of Colonel of the first Regiment in the Passaic Brigade.

**Resolved, That the same be accepted.**

John Edwards requested leave in writing to resign his commission of Major of the first Battalion of the 1st Regiment of Passaic Brigade.

**Resolved, That the same be accepted.**

Isaac Hilliard, Esq. requested leave in writing to resign his commission as a Judge of the Inferior Court of Common Pleas in and for the county of Burlington.

**Resolved, That the same be accepted.**

Samuel Hiltz requested leave in writing to resign his commission of Commissioner for taking the acknowledgment and proof of deeds for the county of Morris.

**Resolved, That the same be accepted.**

James T. Sherman requested leave in writing to resign his commission as one of the Inspectors of the New-Jersey Prison.

**Resolved, That the same be accepted.**

## TREASURER.

ISAAC SOUTHARD.

## INSPECTORS OF THE STATE PENITENTIARY

John S. McCully, Samuel R. Gummere,  
 Joshua Wright, Timothy Abbott, Jr.  
 James Skirm.

## KEEPER OF THE STATE PENITENTIARY.

The names of John Voorhees and Joseph A. Yard being on nomination for Keeper of the State Penitentiary—

The Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

## FOR JOHN VOORHEES.

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,

Messrs. Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,

Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,

Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Worth. 42.

FOR JOSEPH A. YARD.

Messrs. Price,  
 Oliphant,  
 Lambert,  
 Snyder,  
 Haines,  
 Kennedy,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Craig,  
 Forman,

Messrs. Hiers,  
 Hurley,  
 Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Servis,  
 Greer,  
 Nyce,  
 Moore,  
 Shoemaker,  
 Risley, 23.

Whereupon it appearing that John Voorhees had received a majority of the whole number of votes given, he was declared duly elected Keeper of the State Penitentiary for the ensuing year.

BERGEN COUNTY.

The names of John H. Zabriskie for Judge, and John Bogert and Joseph Clarke for Justices, and Rodman M. Price for Major of the 2d Batt. of 1st Reg. of Bergen Brigade, being on nomination—

It was moved and seconded, that their appointment be postponed ; and the yeas and nays being required thereon, the Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Armstrong,  
 Applegate,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Crusier,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,

Messrs. Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Worth.

42.

*In the Negative.*

Messrs. Price,  
 Lambert,  
 Snyder,  
 Haines,  
 Kennedy,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Craig,  
 Forman,  
 Hiers,

Messrs. Oliphant,  
 Hurley,  
 Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Servis,  
 Greer,  
 Nyce,  
 Risley,

21.

So it was determined in the affirmative.

**BURLINGTON COUNTY.**

**JUSTICE.**

**John B. Taylor.**

**CUMBERLAND COUNTY.**

**JUSTICES.**

**Samuel Craig.**

**Jacob Foster.**

**ESSEX COUNTY.**

**SURROGATE.**

**John J. Chetwood.**

*Clerk of the Borough of Elizabeth.*

**Meline W. Halsey.**

**HUNTERDON COUNTY.**

**JUSTICES.**

Alexander Coryell. Samuel W. Slater.

**MERCER COUNTY.**

**JUDGE.**

Thomas J. Stryker.

**JUSTICE.**

Thomas J. Stryker.

*Alderman of the City of Trenton.*

Isaac Barnes.

**MIDDLESEX COUNTY.****JUDGE.****Abraham D. Titsworth.****JUSTICES.****Abraham D. Titsworth,          John D. Lee,****COMMISSIONER, &c.****Thomas G. Marsh, Perth Amboy.***Alderman of the City of Perth Amboy,***Herman Bruen.****MONMOUTH COUNTY.**

The names of Jehu Patterson, Ruliff R. Schenck, and Andrew Simpson, for Judges of the Court of Common Pleas of the county of Monmouth ; and Thomas E. Antrim, John S. Forman, Halsted H. Wainwright, and Nicholas M. Disbrow, for Justices ; and Samuel C. Vanderhoof of Middletown, for Commissioner &c. being on nomination—



It was moved and seconded that the consideration thereof be postponed ; and the yeas and nays being required, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,	Messrs. Wilson,
Appleget,	Black,
Taylor,	Borton,
Irick,	Brown,
Porter, (V. P.)	Emley,
Corson,	Mathis,
Miller,	Bower,
Barber,	Franklin,
Board,	Reeves,
McChesney,	Snowden,
Gardner,	Brittin,
Robinson,	DeBow,
Sanderson,	E. F. Smith,
Spear,	Weise,
Stites, (Sp.)	Bonham,
Cruser,	Newcomb,
Dunn,	Whitecar,
Golding,	Clarke,
Richmond,	Ryerson,
Cory,	Rosco,
Sutphen,	Worth.
	42.

*In the Negative.*

Messrs. Price,	Messrs. Terhune,
Oliphant,	Craig,
Lambert,	Forman,
Snyder,	Hiers,
Haines,	Hurley,
Kennedy,	Richman,
Ackerman,	Exton,
Doremus,	Hiler,
Servis,	Nyce,
Greer,	Moore,
	Risley,
	21.

So it was determined in the affirmative.

**MORRIS COUNTY.**

**JUDGES.**

**Peter A. Johnson.**

**William Brittin.**

**COMMISSIONER, &c.**

**William Patterson, Roxbury.**

**PASSAIC COUNTY.**

**JUSTICES.**

**Thomas Gould,**

**John R. Nafie.**

**SALEM COUNTY.**

The names of Joseph L. Risley, John Armstrong, James Butcher, Jacob W. Mulford, and William Loper, for Judges of the Inferior Court of Common Pleas; Thomas Whitaker, Joseph L. Bisley, James Butcher, Job Ridgway, Stacy Floyd, and George Bush, being on nomination for Justices;

It was moved and seconded that the same be postponed ; and the yeas and nays being required, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz. :

*In the Affirmative.*

Messrs. Armstrong,	Messrs. Wilson,	
Appleget,	Black,	
Taylor,	Borton,	
Irick,	Brown,	
Porter, (V. P.)	Emley,	
Corson,	Mathis,	
Miller,	Bower,	
Barber,	Franklin,	
Board,	Reeves,	
McChesney,	Snowden,	
Gardner,	Brittin,	
Robinson,	DeBow,	
Sanderson,	E. F. Smith,	
Spear,	Weise,	
Stites, (Sp.)	Bonham,	
Cruser,	Newcomb,	
Dunn,	Whitecar,	
Golding,	Clarke,	
Richmond,	Ryerson,	
Cory,	Rosco,	
Sutphen,	Worth,	42.

*In the Negative.*

Messrs. Price,	Messrs. Terhune,	
Oliphant,	Craig,	
Lambert,	Forman,	
Snyder,	Hiers,	
Haines,	Hurley,	
Kennedy,	Richman,	
Ackerman,	Exton,	
Doremus,	Hiler,	
Servis,	Nyce,	
Greer,	Moore,	
	Risley,	21.

So it was determined in the affirmative.

**WARREN COUNTY.****JUSTICE.****John Moore, of Marksborough.**

The Joint Meeting then rose.

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*In JOINT-MEETING, February 27, 1840.*

**Hon. JOSEPH PORTER, *Chairman.***

**ROBERT E. HORNOR, *Secretary.***

James Cowperthwaite requested leave in writing to resign his commission of Justice of the Peace of the county of Burlington.

Resolved, That his resignation be accepted.

John J. Chetwood requested leave in writing to resign his commission of Prosecutor of the Pleas of the Borough of Elizabeth, Essex county.

Resolved, That his resignation be accepted.

Josiah Ford requested leave in writing to resign his commission as a Judge of the Inferior Court of Common Pleas of the county of Middlesex.

Resolved, That his resignation be accepted.

Cornelius S. Stryker requested leave in writing to resign his commission of Commissioner for taking the acknowledgment and proof of deeds in the county of Somerset.

Resolved, That his resignation be accepted.

George P. Molleson requested leave in writing to resign his commission of Prosecutor of the Pleas of the county of Middlesex.

Resolved, That his resignation be accepted.

Samuel Dickinson requested leave in writing to resign his commission of Colonel of the first Regiment of the Mercer Brigade.

Resolved, That his resignation be accepted.

Timothy Southard requested leave in writing to resign his commission of Major of the second Battalion of the third Regiment of the Morris Brigade.

Resolved, That his resignation be accepted.

The following appointments were then made :

## ATLANTIC COUNTY.

### JUDGES.

Peter Frambers,  
Japhet Leeds,  
John C. Abbott,

John Hogan,  
Daniel E. Estill,  
Thomas Parsons.

## JUSTICES.

Peter Frambers,  
Japhet Leeds,  
John C. Abbott,  
John Hogan,

Daniel E. Estill,  
Thomas Parsons,  
Absalom Steelsman,  
Charles Peterson,

John A. Clement.

## COMMISSIONER, &amp;c.

Joseph B. Hughes, (Galloway.)

The name of Robert B. Risley being on nomination for Judge of the Court of Common Pleas of the county of Atlantic,

It was moved and seconded that the consideration thereof be postponed; and the yeas and nays being demanded thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter, (V. P.)  
Miller,  
Barber,  
Board,  
McChesney,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,

Messrs. Black,  
Borton,  
Brown,  
Emley,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Brittin,  
DeBow,  
E. F. Smith,  
Weise,  
Bonham,  
Newcomb,  
Rosco,  
Worth. 53.

*In the Negative.*

Messrs. Price,  
 Oliphant,  
 Snyder,  
 Haines,  
 Kennedy,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,

Messrs. Forman,  
 Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Servis,  
 Greer,  
 Nyce,  
 Truex,  
 Moore,  
 Shoemaker,  
 Smythe. 23.

So it was determined in the affirmative.

**BERGEN COUNTY.****JUDGE.**

Charles Kinsey.

**JUSTICES,**

John H. Berry, Paul Powles,  
 John Van Voorhees.

**COMMISSIONERS, &c.**

Garret S. Demarest, } Washington.  
 Abraham G. Ackerman, }  
 John H. Berry, } Lodi.  
 Michael Van Winkle, }  
 Paul Powles, Harrington.

The name of Peter A. Westervelt being on nomination for Justice of the Peace of the county of Bergen—

On the question, Shall Peter A. Westervelt be appointed a Justice of the Peace of the county of Bergen, the yeas and nays being required, were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Crusier,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,

Messrs. Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Worth. 42.

*In the Negative.*

Messrs. Price,  
 Oliphant,  
 Snyder,  
 Haines,  
 Kennedy,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,  
 Forman,

Messrs. Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Servis,  
 Greer,  
 Nyce,  
 Truex,  
 Moore,  
 Shoemaker,  
 G. W. Smythe,  
 Risley. 24.



Whereupon, it appearing that Peter A. Westervelt had received a majority of the whole number of votes given, he was declared duly appointed Justice of the Peace of the county of Bergen.

The name of Garret P. Hopper being on nomination for Judge of the Court of Common Pleas of the county of Bergen,

On the question, Shall Garret P. Hopper be appointed Judge of the Court of Common Pleas of the county of Bergen—

The yeas and nays being required, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Price,  
Snyder,  
Haines,  
Ireland,  
Ackerman,  
Doremus,  
Terhune,  
Craig,  
Forman,  
Richman,

Messrs. Summerill,  
Exton,  
Hiler,  
Servis,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Risley, 21.

*In the Negative.*

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,  
Miller,  
Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,

Messrs. Wilson,  
Sutphen,  
Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Hughes,  
Brittin,  
DeBow,  
E. F. Smith,

Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Combs,  
 Cory,

Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Ryerson,  
 Worth, 41.

So it was determined in the negative.

The name of Henry I. Spear being on nomination for Judge of the Court of Common Pleas for the county of Bergen—

On the question, Shall Henry I. Spear be appointed Judge of the Court of Common Pleas of the county of Bergen?

The yeas and nays being required, were as follows, viz.

*In the Affirmative.*

Messrs. Price,  
 Snyder,  
 Haines,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Craig,  
 Forman,  
 Richman,

Messrs. Summerill,  
 Exton,  
 Hiler,  
 Servis,  
 Greer,  
 Nyce,  
 Truex,  
 Moore,  
 Shoemaker,  
 G. W. Smythe,  
 Risley, 21.

*In the Negative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,

Messrs. Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,

Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Combs,  
 Cory,  
 Sutphen,

Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco, 43.

So it was determined in the negative.

#### JUDGES.

Richard Wilkins,  
 Samuel Black,

Joseph W. Pharo,  
 Clayton Monroe.

#### JUSTICES.

Richard Wilkins,  
 Joseph L. Thomas,  
 Isaiah Toy.

William K. Mason,  
 Joseph L. Morton,

#### COMMISSIONERS. &c.

William Biddle, (Mansfield.)  
 Joseph Woolman, (Springfield.)  
 Elihu Mathis, (Little Egg Harbour.)

The name of Zebedee M. Wills being on nomination for Judge  
 of the Court of Common Pleas of the county of Burlington—

It was moved and seconded that the consideration thereof be postponed; and the yeas and nays being required, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter. (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Dunn,  
 Golding,  
 Richmond,  
 Sutphen,  
 Wilson,

Messrs. Black,  
 Borton,  
 Brown,  
 Emley,  
 Bower,  
 Franklin,  
 Reeves,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Worth, 38.

*In the Negative.*

Messrs. Price,  
 Snyder,  
 Haines,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,  
 Forman,  
 Richman,

Messrs. Summerill,  
 Exton,  
 Hiler,  
 Servis,  
 Greer,  
 Nyce,  
 Moore,  
 Truex,  
 Shoemaker,  
 G. W. Smythe,  
 Risley, 22.

So it was determined in the affirmative.

Mr. Price moved that Joint Meeting do now adjourn until three o'clock this afternoon.

Mr. Armstrong moved a call of Joint Meeting, which was commenced; but before it was completed, the call was suspended, and Joint Meeting proceeded with its regular business.

The name of Samuel Brown being on nomination for Justice of the Peace of the county of Burlington, a motion was made and seconded that the consideration of said appointment be postponed; and the yeas and nays being required—

The Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Hughes,  
 Brittin,

Messrs. Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Crusier,  
 Dunn,  
 Richmond,  
 Cory,  
 Sutphen,  
 Wilson,  
 Black,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Resco,  
 Worth,

42.

*In the Negative.*

Messrs. Price,  
 Snyder,  
 Haines,  
 Ireland,

Messrs. Richman,  
 Summerill,  
 Exton,  
 Hiler,

Ackerman,  
Doremus,  
Terhune,  
Combs,  
Craig,  
Forman,

Servis,  
Greer,  
Nyce,  
Truex,  
Shoemaker,  
G. W. Smyth,  
Risley, 21.

So it was determined in the affirmative.

## CAPE MAY COUNTY.

### PROSECUTOR OF THE PLEAS.

The names of Daniel Elmer and Richard P. Thompson being on nomination, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were

#### FOR DANIEL ELMER.

Messrs. Armstrong,  
Applegat,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,  
Miller,  
Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Sutes, (Sp.)  
Cruser,  
Dunn;  
Golding,  
Richmond,  
Cory,  
Sutphen,

Messrs. Wilson,  
Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Franklin,  
Reeves,  
Snowden,  
Brittin,  
DeBow,  
E. F. Smith,  
Weise,  
Bonham,  
Newcomb,  
Whitecar,  
Clarke,  
Ryerson,  
Rosco,  
Worth, 41.

For RICHARD P. THOMPSON.

Messrs. Price,  
Snyder,  
Haines,  
Ireland,  
Ackerman,  
Doremus,  
Terhune,  
Combs,  
Craig,  
Forman,

Messrs. Richman,  
Summerin,  
Exton,  
Hiler,  
Servis,  
Greer,  
Nyce,  
Truex,  
Shoemaker,  
G. W. Smythe,  
Risley, 21.

Whereupon it appearing that Daniel Elmer had received a majority of the votes given, he was declared duly elected.

CLERK.

Jonathan Hand.

JUDGES.

Joseph Goff,  
Jacob Souder,

Matthew Marcy,  
Peter Corson,

Allen Corson,

JUSTICES.

Aaron Crowell,  
Matthew Marcy,

George W. Hughes,  
Peter Corson.

Joint Meeting adjourned to three o'clock this afternoon.

*At three o'clock Joint-Meeting re-assembled.*

## CUMBERLAND COUNTY.

### JUDGES.

Nathaniel Foster,	Isaac Whitecar,
John Salkeld,	Reuben Hunt,
Moses Bateman.	

### JUSTICES.

John Bonham,	Samuel Craig, (Hopewell.)
Uriah Gillman,	William Null,
Thomas Ferguson,	William D. Barret,
William Rogers.	

### COMMISSIONER, &c.

Belford M. Bonham, (Stee Creek.)

## ESSEX COUNTY.

*Prosecutor of the Pleas of the Borough of Elizabeth.*

Isaac H. Williamson, Junior.

*Aldermen of the Borough of Elizabeth.*

Elihu Brittin,	William Brown, (Union.)
Joseph Alexander,	(Westfield.)



**JUSTICES.**

<b>Jesse Williams,</b>	<b>Isaac H. Pierson,</b>
<b>Uriah Garrabrant,</b>	<b>Stephen Personette,</b>
<b>Jonathan Woodruff,</b>	<b>Amos W. Condit.</b>

**COMMISSIONERS, &c.**

**Abraham V. Spear, (Belleville.)**  
**John Kennedy, (do.)**

*Special Justice of the City of Newark.*

**Isaac Andruss.**

**GLOUCESTER COUNTY.**

**JUDGES.**

<b>Levi L. Campbell,</b>	<b>Philip J. Gray,</b>
<b>Joseph Franklin.</b>	

**JUSTICES.**

<b>Levi L. Campbell,</b>	<b>Charles Davis,</b>
<b>Philip J. Gray,</b>	<b>Robert Checo,</b>
<b>William J. Hatch,</b>	<b>Henry Jackson,</b>
<b>John Rudran, Jr.</b>	<b>Joseph A. Chatham,</b>
<b>John Redfield,</b>	<b>James Gibson,</b>
<b>John P. Sheets.</b>	

*Alderman of the City of Camden.*

**James W. Sloan.**

**COMMISSIONERS, &c.**

**James W. Snowden, (Newton.)** **John P. Sheets, (Woolwich.)**

## HUDSON COUNTY.

## CLERK OF THE PLEAS.

The names of Robert Gilchrist, Samuel Cassedy and J. M. Cornelison being on nomination,

The Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, and the votes were as follows, viz.

## FOR ROBERT GILCHRIST.

Messrs. Armstrong,	Messrs. Black,
Appleget,	Borton,
Taylor,	Brown,
Irick,	Emley,
Porter, (V. P.)	Mathis,
Corson,	Bower,
Miller,	Franklin,
Barber,	Reeves,
Board,	Snowden,
McChesney,	Hughes,
Gardner,	Brittin,
Robinson,	DeBow,
Sanderson,	E. F. Smith,
Spear,	Weise,
Stites, (Sp.)	Bonham,
Dunn,	Newcomb,
Golding,	Whitecar,
Richmond,	Clarke,
Cory,	Ryerson,
Sutphen,	Rosco,
Wilson,	Worth, 42.

## FOR J. M. CORNELISON.

Messrs. Price,	Messrs. Richman,
Oliphant,	Summerill,
Snyder,	Exton,
Haines,	Hler,
Ireland,	Greer,
Ackerman,	Nyce,
Doremus,	Truex,
Terhune,	Shoemaker,
Combs,	G. W. Smythe,
Craig,	Bisley. 21.
Forman,	

Whereupon it appearing that Robert Gilchrist had received a majority of the whole number of votes given, he was declared duly elected.

### SURROGATE.

The names of Edmund W. Kingsland and Benjamin F. Van Cleve being on nomination, by direction of the Chairman the Secretary proceeded to call the Joint Meeting, and the votes were

#### For EDMUND W. KINGSLAND.

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,  
 Wilson,

Messrs. Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Worth, 43.

#### For BENJAMIN F. VAN CLEVE.

Messrs. Price,  
 Oliphant,  
 Snyder,  
 Haines,  
 Ireland,

Messrs. Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Greer,

Atkerman,  
Doremus,  
Terhune,  
Combs,  
Craig,  
Forman,

Nyce,  
Truex,  
Shoemaker,  
G. W. Smythe,  
Risley, 21.

Whereupon, it appearing that Edmund W. Kingsland had received a majority of the whole number of votes given, he was accordingly declared to be duly elected.

#### FOR PROSECUTOR OF THE PLEAS.

Lewis Hardenbergh and Peter Bentley being on nomination, the Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, and the votes were

#### FOR LEWIS HARDENBERGH.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,  
Miller,  
Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,  
Cory,  
Sutphen,

Messrs. Wilson,  
Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Hughes,  
Brittin,  
DeBow,  
E. F. Smith,  
Weise,  
Bonham,  
Newcomb,  
Whitecar,  
Clarke,  
Ryerson,  
Esco, 42.

## FOR PETER BENTLEY.

Messrs. Price,  
 Oliphant,  
 Haines,  
 Kennedy,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,  
 Forman,

Messrs. Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Greer,  
 Nyce,  
 Truex,  
 Shoemaker,  
 G. W. Smythe,  
 Risley. 21.

Whereupon it appearing that Lewis D. Hardenbergh had received a majority of the whole number of votes given, he was declared duly appointed Prosecutor of the Pleas for the county of Hudson.

## JUDGES.

John J. Van Buskirk,

Stephen Garretson.

## JUSTICES.

Stephen Garretson, Peter H. Kipp,  
 Cornelius V. V. Kingsland, Joseph Clarke.

## COMMISSIONERS, &amp;c.

Thomas W. James, Jersey City,  
 Richard Outwater, Harrison,  
 Cornelius V. V. Kingsland, Harrison.

*Brigadier General of the Hudson Brigade.*

The names of John G. Van Winkle and Joshua R. Sands being on nomination for Brigadier General of the Hudson Brigade, the Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

## FOR JOHN G. VAN WINKLE.

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter. (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,  
 Wilson,

Messrs. Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Glarke,  
 Ryerson,  
 Rosco,  
 Worth, 42.

## FOR JOSHUA R. SANDS.

Messrs. Price,  
 Oliphant,  
 Snyder,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,  
 Forman,

Messrs. Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Greer,  
 Nyce,  
 Moore,  
 Shoemaker,  
 G. W. Smythe,  
 Risley, 20.

Whereupon it appearing that John G. Van Winkle had a majority of the whole number of votes given, he was declared, duly appointed Brigadier General of the Hudson Brigade.

*Major of the Independent Battalion of the Hudson Brigade.*

The names of George I. Vreeland and Rodman M. Price being on nomination for Major of the 2d Batt. of 1st Reg't. of the Hudson Brigade—

It was moved and seconded that the consideration of the nomination of Rodman M. Price be postponed; and the yeas and nays being required thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,	Messrs. Wilson,
Appleget,	Sutphen,
Taylor,	Black,
Irick,	Borton,
Porter, (V. P.)	Brown,
Corson,	Emley,
Miller,	Mathis,
Barber,	Bower,
Board,	Reeves,
McChesney,	Hughes,
Gardner,	Brittin,
Robinson,	DeBow,
Sanderson,	E. F. Smith,
Spear,	Bonham,
Stites, (Sp.)	Newcomb,
Dunn,	Whitecar,
Golding,	Clarke,
Richmond,	Ryerson,
Gory,	Rosce, 38.

*In the Negative.*

Messrs. Oliphant,	Messrs. Richman,
Snyder,	Summerill,
Ireland,	Hiler,
Ackerman,	Exton,
Doremus,	Greer,
Terhune,	Truex,
Combs,	Shoemaker,
Craig,	G. W. Smythe,
Forman,	Risley, 18.

So it was determined in the affirmative.

George I. Vreeland was duly appointed Major of the Independent Battalion of the Hudson Brigade.

## HUNTERDON COUNTY.

### CLERK.

The names of Peter I. Clarke and Isaac G. Farlee being on nomination for Clerk of the Court of Common Pleas of the county of Hunterdon—

The Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

### FOR PETER I. CLARKE.

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Kennedy,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Combs,  
 Cory,  
 Sutphen,

Messrs. Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Worth, 45.



## FOR ISAAC G. FARLEE.

Messrs. Price,	Messrs. Richman,	
Oliphant,	Summeriff,	
Snyder,	Exton,	
Ireland,	Hiler,	
Ackerman,	Greer,	
Doremus,	Nyce,	
Terhune,	Truex,	
Craig,	Shoemaker,	
Forman,	Risley,	18.

Whereupon it appearing that Peter I. Clarke had a majority of the whole number of votes given, he was declared duly appointed Clerk of the county of Hunterdon.

## SURROGATE.

The names of Adams C. Davis and William H. Sloan being on nomination for Surrogate of the county of Hunterdon, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

## FOR ADAMS C. DAVIS.

Messrs. Armstrong,	Messrs. Wilson,	
Appleget,	Black,	
Taylor,	Borton,	
Irick,	Brown,	
Porter, (V. P.)	Emley,	
Corson,	Mathis,	
Miller,	Bower,	
Barber,	Franklin,	
Board,	Reeves,	
McChesney,	Snowden,	
Gardner,	Brittin,	
Robinson,	DeBow,	
Sanderson,	E. F. Smith,	
Spear,	Weise,	
Stites, (Sp.)	Bonham,	
Cruser,	Newcomb,	
Dunn,	Whitecar,	
Golding,	Clarke,	
Richmond,	Ryerson,	
Cory,	Rosco,	
Sutphen,	Worth.	42.

## FOR WILLIAM H. SLOAN.

Messrs. Price,  
Snyder,  
Kennedy,  
Ireland,  
Ackerman,  
Doremus,  
Terhune,  
Combs,  
Craig,  
Forman,

Messrs. Richman,  
Summerill,  
Exton,  
Hiler,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Risley, 21.

Whereupon it appearing that Adams C. Davis had a majority of the whole number of votes given, he was declared duly appointed Surrogate of the county of Hunterdon.

## JUDGES.

Isaiah P. Large,  
Lewis M. Prevost,  
Andrew Hoagland,

Peter B. Lowe,  
Nathaniel G. Mattison,  
Israel Wilson.

## JUSTICES.

Nathaniel G. Mattison,  
Israel Wilson,  
Conrad P. Apgar,  
Derick A. Sutphen,  
William A. Huff,

Andrew Hoagland,  
Charles W. Bonnel,  
Enoch Able,  
Ezekiel Blue,  
William G. Alpaugh,  
Joseph Opdike, (of Kingwood.)

## COMMISSIONERS, &amp;c.

Joseph Chapman, (Delaware,)  
Wilson House, (Alexandria,)  
Tunis Smith, (Lebanon.)

*Brigadier General of the Hunterdon Brigade.*

Adams C. Davis.

*Colonel of the 3d Regiment of the Hunterdon Brigade.*

James N. Reading.

*Major of the 1st Battalion 3d Regiment Hunterdon Brigade.*

Nelson W. Young.

*Major General of the 4th Division of the New-Jersey Militia.*

The names of John Blane, James S. Williamson and Lyman Edwards being on nomination for Major General of the fourth Division of the New-Jersey Militia, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz. :

For JOHN BLANE.

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,  
Miller,  
Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,  
Cory,

Messrs. Wilson,  
Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Hughes,  
Brittin,  
DeBow,  
E. F. Smith,  
Weise,  
Bonham,  
Newcomb,  
Whitecar,  
Ryerson,  
Clarke,  
Rosco,

FOR JAMES S. WILLIAMSON, (of Warren County.)

Messrs. Price,  
Oliphant,  
Snyder,  
Kennedy,  
Ireland,  
Ackerman,  
Doremus,  
Terhune,  
Forman,

Messrs. Richman,  
Summerill,  
Exton,  
Hiler,  
Greer,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Risley, 19

FOR LYMAN EDWARDS, (of Sussex County.)

Mr. Combs.—1.

Whereupon, it appearing that John Blane had a majority of the whole number of votes given, he was declared duly appointed Major General of the Fourth Division of N. Jersey Militia.

## MERCER COUNTY.

JUDGE.

Amos Hart.

JUSTICES.

George W. Smith,  
John R. Tucker,  
Robert Chambers,

Horace Smith,  
Abraham R. Harris,  
William C. Howell.

*Colonel of the First Regiment of the Mercer Brigade.*

William Snowden.

*Major of the first Battalion of 1st Reg't of Mercer Brigade.*

David Witherup.

The name of Joshua Bunn being on nomination for Justice, a motion was made and seconded to postpone the consideration of the same ; and the yeas and nays being required thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,

Messrs. Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Truex,  
 Clarke,  
 Ryerson,  
 Worth, 41.

*In the Negative.*

Messrs. Price,  
 Kennedy,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Combs,  
 Craig,  
 Forman,

Messrs. Richman,  
 Summerill,  
 Hiler,  
 Greer,  
 Nyce,  
 Moore,  
 Shoemaker, 15.

So it was determined in the affirmative.

**MIDDLESEX COUNTY.****PROSECUTOR OF THE PLEAS.****John Van Dyke.****JUDGE.****Josiah Ford.****JUSTICES.****Beverly R. Crowell,****James Harriott,****John La Tourrette,****Josiah Ford,****Isaac Story,****Garret G. Voorhees****John C. Morris.****COMMISSIONERS, &c.****Samuel Grove, South Brunswick,****Henry B. Poole, North Brunswick,****William Perrine, Monroe,****Abraham Golding, Perth Amboy,****David C. Dunn, Piscataway.*****Alderman of the City of Perth Amboy.*****Charles M. Smith.****MONMOUTH COUNTY.****JUDGE.****Silas B. Crane.****JUSTICES.****Jesse Bartleson,****John W. Davison,****John Willets,****Thomas Kenny,****William I. Brown.****COMMISSIONERS, &c.****Thomas H. Arrowsmith, Middletown.****Thomas C. Harrison, Upper Freehold.**

The name of Jehu Patterson being on nomination for Judge  
of the Court of Common Pleas of the county of Monmouth,

The yeas and nays being required thereon,

The Secretary, by direction of the Chairman, proceeded to  
call the Joint Meeting, and the votes were as follows, viz.

*In the Affirmative.*

Messrs. Price,  
Snyder,  
Oliphant,  
Haines,  
Kennedy,  
Ireland,  
Ackerman,  
Doremus,  
Combs,  
Craig,  
Forman,  
Franklin,

Messrs. Richman,  
Summerill,  
Exton,  
Hiler,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Clarke,  
Risley, 24.

*In the Negative.*

Messrs. Armstrong,  
Applegate,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,  
Miller,  
Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,

Messrs. Wilson,  
Cory,  
Sutphen,  
Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Reeves,  
Snowden,  
Hughes,  
Brittin,  
DeBow,  
E. F. Smith,  
Weise,  
Bonham,  
Whitecar,  
Ryerson,  
Rosco,  
Worth, 41.

So it was determined in the negative.

The name of Benjamin Oliphant being on nomination for a Judge of the county of Monmouth; and the yeas and nays being required thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Price,  
Haines,  
Kennedy,  
Ackerman,  
Doremus,  
Combs,  
Craig,  
Forman,  
Bower,  
Snyder,  
Ireland,

Messrs. Richman,  
Exton,  
Hiler,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Risley, 21.

*In the Negative.*

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,  
Miller,  
Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,  
Cory,  
Sutphen,

Messrs. Wilson,  
Black,  
Borton,  
Brown,  
Emley,  
Franklin,  
Reeves,  
Snowden,  
Hughes,  
Brittin,  
DeBow,  
E. F. Smith,  
Weise,  
Bonham,  
Newcomb,  
Whitecar,  
Clarke,  
Ryerson,  
Rosco,  
Worth, 41.

It was determined in the negative.



The name of Thomas I. K. Wallace being on nomination for a Justice of the Peace of the county of Monmouth, and the yeas and nays being required thereon,

The Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,

Messrs. Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,  
 Worth. 41.

*In the Negative.*

Messrs. Price,  
 Oliphant,  
 Snyder,  
 Haines,  
 Kennedy,  
 Ireland,  
 Ackerman,  
 Doremus,

Messrs. Richman,  
 Craig,  
 Forman,  
 Sutphen,  
 Summerill,  
 Exton,  
 Hiler,  
 Nyce,  
 Shoemaker, 17.

Whereupon, it appearing that Thomas I. K. Wallace had received a majority of the whole number of votes given, he was declared duly appointed a Justice of the Peace for the county of Monmouth.

# MORRIS COUNTY.

The name of Rhiel Nicholas being on nomination for Justice of the Peace of the county of Morris, a motion was made and seconded to postpone the consideration of the same—and the yeas and nays being required thereon.

The Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

## *In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,

Messrs. Wilson,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Summerill,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rusco,  
 Worth, 42.

## *In the Negative.*

Messrs. Oliphant,  
 Snyder,  
 Haines,  
 Kennedy,  
 Ireland,  
 Ackerman,  
 Doremus,  
 Combs,  
 Craig,

Messrs. Richman,  
 Exton,  
 Hiler,  
 Greer,  
 Nyce,  
 Truex,  
 Moore,  
 Shoemaker,  
 G. W. Smythe, 18.5

So it was determined in the affirmative.

The name of Joseph Fairchild being on nomination for Justice of the Peace of the county of Morris, a motion was made and seconded that the consideration thereof be postponed—and the yeas and nays being required thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter. (V. P.)  
Corson,  
Miller,  
Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Golding,  
Richmond,  
Cory,  
Sutphen,  
Wilson.

Messrs. Black,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Hughes,  
Brittin,  
DeBow,  
E. F. Smith,  
Weise,  
Bonham,  
Newcomb,  
Whitecar,  
Clarke,  
Ryerson,  
Rosco,  
Worth, 41.

*In the Negative.*

Messrs. Oliphant,  
Snyder,  
Haines,  
Ireland,  
Aekerman,  
Doremus,  
Craig,  
Richman,

Messrs. Summerill,  
Exton,  
Hiler,  
Greer,  
Nyce,  
Moore,  
Shoemaker,  
G. W. Smythe, 185.

So it was determined in the affirmative.

**JUDGES.**

**John J. Young,**

**Aaron Doty.**

**JUSTICES.**

**Benjamin L. Condict,  
David Crater, Jr.**

**Jared Howell,  
William B. Lafevre.**

**COMMISSIONERS, &c.**

**Matthias Kitchell, Pequannock.  
Thomas Van Winkle, Hanover.  
Lewis Lorce, Mendham.**

*Major of the 2d Battalion 3d Reg't of the Morris Brigade.*

**Robert Muir.**

**PASSAIC COUNTY.**

**JUDGE.**

**David H. Reeves.**

**JUSTICES.**

**David H. Reeves,**

**Samuel A. Van Saun.**

*Colonel of the 1st Reg't Passaic Brigade.*

**John A. Van Riper.**

*Major of the 1st Battalion 1st Reg't Passaic Brigade.*

**Charles C. Roe.**

**COMMISSIONER, &c.**

**Cornelius C. Blauvelt, Jr.**

**SALEM COUNTY.****JUDGES.**

<b>William J. Shinn,</b>	<b>David Whiley,</b>
<b>Joseph Lippincott,</b>	<b>Edward Q. Keasby,</b>
<b>Samuel Humphreys, sd.</b>	

**JUSTICES.**

<b>Joseph Lippincott,</b>	<b>Robert Guestner,</b>
<b>Samuel Ware,</b>	<b>Thomas Whitecar,</b>
<b>William Darmon,</b>	<b>Robert G. Johnson,</b>
<b>William Peterson,</b>	<b>Thomas Sinnickson,</b>
<b>Benjamin J. Diamant,</b>	<b>Samuel L. James.</b>
<b>George Bush,</b>	

**COMMISSIONER, &c.****James P. Fogg, Lower Penn's Neck.****SOMERSET COUNTY.****JUDGE.****Lewis Mundy.****JUSTICES.**

<b>Isaiah Coddington,</b>	<b>Charles Bartles,</b>
<b>James P. Goltra,</b>	<b>James D. Stryker,</b>
<b>John S. Hoagland.</b>	

**COMMISSIONERS, &c.**

**Arthur V. P. Sutphen, (Bedminster,)**  
**David Ayres, (Bernards,)**  
**William Lytle, (Franklin,)**  
**Cornelius Kershow, (Montgomery.)**

***Major of the 1st Battalion 3d Regiment Somerset Brigade.*****John H. Elbertson.**

# **SUSSEX COUNTY.**

## **JUDGES.**

**Charles Lewis,**

**Henry I. Coursen.**

## **JUSTICES.**

**Andrew Linn,  
William Cole,  
John Layten,  
Aaron Clarke,  
Joseph N. Harker,  
John S. Broderick,  
Samuel Davis,**

**Henry I. Coursen,  
John Bell,  
Nathaniel Roe,  
David Smith,  
David F. Stoll,  
George Finckey,  
Samuel Tuttle.**

## **COMMISSIONERS, &c.**

**William Armstrong, (Frankford.)  
Benjamin Pitney, (Byram.)  
John D. Everett, (Sandiston.)**

The name of William H. Nyce being on nomination for Justice of the Peace for the county of Sussex, and the yeas and nays being required thereon,

The Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

### *In the Affirmative.*

**Messrs. Price,  
Oliphant,  
Snyder,  
Haines,  
Ackerman,  
Doremus,  
Terhune,  
Gardner,  
Dunn,  
Richmond,  
Combs,  
Craig,**

**Messrs. Forman,  
Bower,  
Franklin,  
Richman,  
Summerill,  
Exton,  
Hiler,  
Greer,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Risley.** 25.

*In the Negative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Crusier,  
 Golding,  
 Cory,  
 Sutphen,  
 Wilson,

Messrs. Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rasco,  
 Worth, 38.

So it was determined in the negative.

The name of John Hull being on nomination for Justice of the Peace of the county of Sussex, a motion was made and seconded that the consideration thereof be postponed—and the yeas and nays being required thereon, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V. P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,

Messrs. Sutphen,  
 Wilson,  
 Black,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Reeves,  
 Hughes,  
 Brittin,  
 DeBow,

Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,  
Cory,

E. F. Smith,  
Weise,  
Bonham,  
Newcomb,  
Whitecar,  
Clarke,  
Ryerson,  
Rosco,  
Worth,

40.

*In the Negative.*

Messrs. Price,  
Oliphant,  
Snyder,  
Haines,  
Ackerman,  
Doremus,  
Terhune,  
Combs,  
Craig,  
Forman,

Messrs. Richman,  
Summerill,  
Exton,  
Hiler,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Risley, 21.

So it was determined in the affirmative.

The name of William Dunn being on nomination for Justice of the Peace of the county of Sussex, a motion was made and seconded that the consideration thereof be postponed; and the yeas and nays being required thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
Applegot,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,  
Miller,  
Barber,

Messrs. Wilson,  
Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,



Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderson,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,  
 Sutphen,

Reeves,  
 Snowden,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosco,

42.

*In the Negative.*

Messrs. Price,  
 Oliphant,  
 Snyder,  
 Haines,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,  
 Forman,

Messrs. Richman,  
 Summerill,  
 Exton,  
 Greer,  
 Nyce,  
 Truex,  
 Shoemaker,  
 G. W. Smythe,  
 Risley,

19.

So it was determined in the affirmative.

**WARREN COUNTY.**

The name of John Moore being on nomination for Judge of the county of Warren, a motion was made and seconded that the consideration thereof be postponed—and the yeas and nays being required, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
 Appleget,  
 Taylor,  
 Irick,  
 Porter, (V.P.)  
 Corson,  
 Miller,  
 Barber,  
 Board,  
 McChesney,  
 Gardner,  
 Robinson,  
 Sanderason,  
 Spear,  
 Stites, (Sp.)  
 Cruser,  
 Dunn,  
 Golding,  
 Richmond,  
 Cory,

Messrs. Wilson,  
 Sutphen,  
 Borton,  
 Brown,  
 Emley,  
 Mathis,  
 Bower,  
 Franklin,  
 Reeves,  
 Hughes,  
 Brittin,  
 DeBow,  
 E. F. Smith,  
 Weise,  
 Bonham,  
 Newcomb,  
 Whitecar,  
 Clarke,  
 Ryerson,  
 Rosce, 40.

*In the Negative.*

Messrs. Price,  
 Oliphant,  
 Snyder,  
 Haines,  
 Ackerman,  
 Doremus,  
 Terhune,  
 Combs,  
 Craig,  
 Forman,

Messrs. Richman,  
 Summerill,  
 Exton,  
 Hiler,  
 Greer,  
 Nyce,  
 Truex,  
 Shoemaker,  
 G. W. Smythe,  
 Risley, 20.

So it was determined in the affirmative.

## JUSTICES.

Ephraim Camp,  
 Henry D. Swayze,  
 Christian Cole.

James Boyd,  
 John S. Robbins,

## COMMISSIONERS, &amp;c.

George Crœveling, Mansfield.  
 Henry C. Snyder, Pahaquarry.  
 William Rickey, Franklin.  
 Jeremiah Reece, Greenwich.  
 Aaron Ogden Barton, Knowlton.  
 John I. Van Kirk, do.  
 David H. Armstrong, Hardwick.  
 Joseph K. Rice, Mansfield.

The name of Henry Van Nest being on nomination for Judge of the Court of Common Pleas for the county of Warren, a motion was made and seconded that the consideration thereof be postponed—and the yeas and nays being required,

The Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, and the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,	Messrs. Wilson,
Appleget,	Black,
Taylor,	Borton,
Irick,	Brown,
Porter, (V. P.)	Emley,
Corson,	Mathis,
Miller,	Bower,
Barber,	Reeves,
Board,	Snowden,
McChesney,	Hughes,
Gardner,	Brittin,
Robinson,	DeBow,
Sanderson,	E. F. Smith,
Spear,	Weise,
Stites, (Sp.)	Bonham,
Cruser,	Newcomb,
Dunn,	Whitecar,
Golding,	Clarke,
Richmond,	Ryerson,
Cory,	Rosco,
Sutphen,	Worth,

42.

*In the Negative.*

Messrs. Oliphant,  
Snyder,  
Haines,  
Ackerman,  
Terhune,  
Gombs,  
Craig,  
Forman,  
Richman,

Messrs. Exton,  
Hiler,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Risley, 18.

So it was determined in the affirmative.

The name of Jacob H. Winter being on nomination for a Justice of the Peace of the county of Warren, a motion was made and seconded that the consideration thereof be postponed—

The yeas and nays being required thereon,

The Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,  
Miller,  
Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Dunn,  
Richmond,  
Cory,  
Sutphen,  
Wilson,

Messrs. Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Hughes,  
Brittin,  
DeBow,  
E. F. Smith,  
Weise,  
Bonham,  
Newcomb,  
Whitecar,  
Clarke,  
Ryerson,  
Boaco,  
Worth. 41.

*In the Negative.*

Messrs. Oliphant,  
Snyder,  
Haines,  
Ackerman,  
Doremus,  
Terhune,  
Combs,  
Craig,  
Forman, C

Messrs. Richmond,  
Exton,  
Hiler,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Risley, 19.

So it was determined in the affirmative:

The name of Samuel Hibbler being on nomination for one of the Justices of the Peace for the county of Warren, a petition was presented by Mr. G. W. Smythe in favor of his appointment—which was read and ordered to lie on the table.

It was moved and seconded that the further consideration thereof be postponed; and the yeas and nays being required,

The Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
Applegate,  
Taylor,  
Irick,  
Porter, (V. P.)  
Gorson,  
Miller,  
Barber,  
Beard,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stice, (Sp.)  
Cruser,  
Dunh,  
Golding,  
Richmond,  
Cory,  
Sutphen,

Messrs. Wilson,  
Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Snowden,  
Hughes,  
Brittain,  
DeBow,  
E. F. Smith,  
Weise,  
Bentham,  
Newcomb,  
Whitcar,  
Clarke,  
Rosco, 41.

*In the Negative.*

Messrs. Oliphant,  
Snyder,  
Haines,  
Ackerman,  
Doremus,  
Terhune,  
Combs,  
Forman,  
Hiern,  
Richman,

Messrs. Summerill,  
Exton,  
Hiler,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker,  
G. W. Smythe,  
Risley. 20.

So it was determined in the affirmative.

The name of Charles Green being on nomination for a Justice of the Peace for the county of Warren, a motion was made and seconded that the consideration of said appointment be postponed ; and the yeas and nays being required, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz.

*In the Affirmative.*

Messrs. Armstrong,  
Appleget,  
Taylor,  
Irick,  
Porter, (V. P.)  
Corson,  
Miller,  
Barber,  
Board,  
McChesney,  
Gardner,  
Robinson,  
Sanderson,  
Spear,  
Stites, (Sp.)  
Cruser,  
Dunn,  
Golding,  
Richmond,  
Gory,

Messrs. Sutphen,  
Wilson,  
Black,  
Borton,  
Brown,  
Emley,  
Mathis,  
Bower,  
Franklin,  
Reeves,  
Hughes,  
Brittin,  
DeBow,  
E. F. Smith,  
Weise,  
Bonham,  
Whitecar,  
Clarke,  
Byerson,  
Rosco, 40.

*In the Negative.*

Messrs. Oliphant,  
Snyder,  
Haines,  
Ackerman,  
Doremus,  
Terhune,  
Craig,  
Forman,

Messrs. Richman,  
Summerill,  
Exton,  
Hiler,  
Greer,  
Nyce,  
Truex,  
Moore,  
Shoemaker, 17.

Whereupon it appearing that the motion for postponement was carried in the affirmative, the further consideration of the appointment of Charles Green as a Justice of the Peace for the county of Warren, was accordingly postponed.

The Joint Meeting rose.

ROBERT E. HORNOR, *Secretary.*







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